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LETTER

FROM

THE SECRETARY OF STATE,

TO THE

CHAIRMAN OF THE COMMITTEE ON COMMERCE,

TRANSMITTING

Documents shewing the proceedings of the Executive, hitherto, in negotiating with Great Britain, in relation to the Commercial Intercourse between the United States and the British American Colonies; and with France, in relation to the General Commerce between that country and the United States.

APRIL 22, 1820.

Laid before the House by the Chairman of the Committee on Commerce, and ordered to be printed.

WASHINGTON :

PRINTED BY GALES & SEATON.

1820.

DEPARTMENT OF STATE,

WASHINGTON, 28th March, 1820.

THOMAS NEWTON, *Esq. Chairman of the
Committee of Commerce, of the House of Representatives.*

SIR : In answer to your letter of the 6th instant, I have the honor of stating, that there appears to be no objection to the publication of the documents to which you allude; copies of which are accordingly herewith transmitted to you, together with some others, not less essential to give the House a full view of the proceedings of the Executive, hitherto, in negotiation with Great Britain, in relation to the Commercial Intercourse between the United States and the British American Colonies; and with France, in relation to the General Commerce between that country and the United States.

I am, with great respect, Sir,
Your very obedient servant,

JOHN QUINCY ADAMS.

THE HISTORY OF THE

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THE HISTORY OF THE REIGN OF THE EMPEROR OF THE ROMAN EMPIRE, FROM THE DEATH OF THE EMPEROR NERO, TO THE DEATH OF THE EMPEROR MARCUS AURELIUS. BY THE REV. JOHN ECCLES, M.A. OF THE UNIVERSITY OF OXFORD. IN TWO VOLUMES. THE SECOND VOLUME. LONDON: Printed by J. KNEELAND, at the Sign of the Sun in St. Dunstons Church, near St. Pauls. 1704.

THE HISTORY OF THE

LIST OF PAPERS

Transmitted to the Hon. T. Newton, Chairman of the Committee of Commerce, with the letter of the Secretary of State, of 28th March, 1820.

The Secretary of State to Mr. Rush, dated 21st May, 1818. Extract.

The same to Mr. Gallatin, dated 22d May, 1818. Extract.

The same to Mr. Rush, dated 30th May, 1818. Extract.

The same to Messrs. Gallatin and Rush, dated 28th July, 1818. Extract.

The same to Mr. Rush, dated 7th May, 1819.

DOCUMENT A.

Draught of two articles proposed by the American Plenipotentiaries at the 3d conference, 17th September, 1818, for regulating the Commercial Intercourse between the United States, and 1, The British Islands in the West.

DOCUMENT B.

Counter Projet, offered by the British Plenipotentiaries at the 5th conference, 6th October, 1818, of an article for the intercourse between the United States and Nova Scotia, and New Brunswick.

DOCUMENT C.

Counter Projet, offered by the British Plenipotentiaries at the 8th conference, 19th October, 1818, of an article for the intercourse between the United States and the British West Indies.

DOCUMENT D.

Draught of an article, proposed by the British government 19th March, 1817, for the intercourse between the United States and the Island of Bermuda.

Mr. Rush to the Secretary of State, 14th June, 1819.

The same to the same, 17th September, 1819. Extracts.

Mr. Gallatin to the Secretary of State, 21st May, 1819.

Mr. Gallatin to the Marquis Desolle, dated 5th May, 1819. Translation.

The same to the same, 12th May, 1819. Translation.

The same to the same, 14th May, 1819. Translation.

The Duke of Richelieu to Mr. Gallatin, 12th September, 1819. Translation.

Mr. Gallatin to the Duke of Richelieu, 28th July, 1818.

The same to the same, 3d August, 1818.

The same to the same, 10th August, 1818.

- Mr. Sheldon to Count d'Hauterive, 30th September, 1818.
Count d'Hauterive to Mr. Sheldon, 17th October, 1818. Translation.
Mr. Gallatin to the Secretary of State, 22d-24th May, 1819.
The same to the Marquis Dessolle, 17th May, 1819.
The same to the same, 24th May, 1819.
The same to the Secretary of State, 25th October, 1819. Extracts.
The same to the Marquis Dessolle, 25th October, 1819.
The same to the Secretary of State, 8th November, 1819. Extracts.
The Marquis Dessolle to Mr. Gallatin, 6th November, 1819. Translation.
Mr. Gallatin to the Secretary of State, 9th December, 1819.
The same to the same, 15th January, 1820.
The same to the Baron Pasquier, 6th January, 1820.
The same to the Secretary of State, 20th January, 1820.
The Baron Pasquier to Mr. Gallatin, 14th January, 1820. Translation.

DEPARTMENT OF STATE,

March 28th, 1820.

Extract of a letter from the Secretary of State to Mr. Rush, dated

DEPARTMENT OF STATE,

Washington, 21st May, 1818.

“The other law, to which I have called your attention, is an act concerning Navigation, passed on the 18th, and published in the National Intelligencer on the 21st, of April, 1818. It meets the British prohibitive colonial system, by direct and countervailing prohibition; to commence from and after the 30th of September last. The vote upon its passage, in the Senate, where it originated, was all but unanimous; and, in the House of Representatives, the opposition to it amounted only to 15 or 16 votes.

Although no formal communication of this law to the British government will be necessary, it may naturally be expected, that it will be noticed in your occasional conversations with Lord Castlereagh. He will, doubtless, remember, and may be reminded of the repeated efforts made by this government, to render it unnecessary, by an amicable arrangement, which should place on an equitable footing of reciprocity, the intercourse between the United States and the British colonies. He will remember the repeated warnings given, that, to this result it must come, unless some relaxation of the British prohibitions should take place; and his own equally repeated admissions, that the exercise of the prohibitive right, on the part of the United States, would be altogether just, and would give no dissatisfaction whatever to Great Britain. You are, nevertheless, authorized to assure him, that the President assented to this measure with great reluctance; because, however just in itself, it may be, its tendencies cannot but be of an irritating character, to the interests which it will immediately affect; and, because his earnest desire is to remove causes of irritation, and to multiply those of a conciliatory nature, between the two countries. Such has manifestly been, on both sides, the effect of the equalizing and reciprocal provisions of the convention of July, 1815; and such, he has no doubt, would be the effect of the extension of its principles to the commercial intercourse, between the United States and the British colonies in the West Indies, and on this continent. And you are authorized again to repeat the offer of treating for a fair and equitable arrangement of this interest.”

Extract of a letter from the Secretary of State, to Mr. Gallatin, dated

WASHINGTON, 22d May, 1818.

“The other interests which the President hopes may be adjusted by this negociation, are:—

1. The intercourse with the British colonies in the West Indies and North America.

You are well acquainted with the failure of the attempt to extend the convention of 1815, to this intercourse, at the negotiation of the convention, and at a subsequent period, when four additional articles were proposed on the part of Great Britain, a copy of which you have. There was reason to believe, that Lord Castlereagh was personally well disposed to a more liberal expansion of the colonial intercourse, although the cabinet was not entirely prepared for it. The manner in which he has recently avowed a liberal commercial principle in parliament, and the approbation with which that avowal was received; the obvious, though not declared, bearing which those sentiments had, both upon the South American contest, and upon these relations between the United States and the British colonies. The free port acts which, we understand, have been introduced into parliament, and are even said to have passed, strongly and concurrently indicate, that a change is taking place in the policy of the cabinet upon this subject, and we hope that now is precisely the favorable time for taking advantage of it."

Extract of a letter from the Secretary of State to Mr. Rush, dated

WASHINGTON, 30th May, 1818.

"From the substance of Lord Castlereagh's remarks with regard to our intercourse with the British colonies in the West Indies and North America, the prospect is less favorable than had been anticipated, of a further relaxation of their exclusive colonial system; and Lord Castlereagh's commercial liberality, in his answer to Mr. Lyttleton, must, it seems, be received with exceptions reserved. The free-port act, however, of which nothing appears to have been said in your conference with him, is, itself, an important modification of that system. Our navigation act, of the last session, you will see, has gone further than the proposed bill reported by the Committee of Foreign Relations. It is entire prohibition: And, although the President takes the first moment after its enactment, and even before it goes into operation, to hold out again to Great Britain the hand of liberal reciprocity; yet, in the event of a negotiation, he will not wish that the British cabinet should be pressed upon this point. It will be sufficient to make the offer; if not accepted, we must be content to abide by the issue of our own prohibitions."

Extract of a letter from the Secretary of State to Albert Gallatin and Richard Rush, dated

WASHINGTON, 28th July, 1818.

“ In the expectation that the government of Great Britain have accepted the proposal, which Mr. Rush was instructed to make, for negotiating a treaty of commerce, embracing a continuance of the convention of the 3d July, 1815, for an additional term of years, and including other objects of interest to the two nations, I have now the honor of transmitting to you the President’s instructions to you, for the conduct of the negotiation.

With regard to the commercial convention, of the 3d July, 1815, you have already been informed, that the President is willing that it should be continued, without alteration, for a further term of eight or ten years. We had flattered ourselves, from the liberal sentiments expressed by Lord Castlereagh in Parliament, and from various other indications, that the British cabinet would have been now prepared to extend the principles of the convention to our commercial intercourse with their colonies in the West Indies and North America; but, from the report of two conferences between Mr. Rush and Lord Castlereagh, since received, it appears, that our anticipations have been too sanguine; and that, with regard to our admission into their colonies, they still cling to the system of exclusive colonial monopoly.

Our Navigation Act, passed at the last session of Congress, is well calculated to bring this system to a test, by which it has not hitherto been tried; and, if the experiment must be made complete, so that the event shall prove to demonstration which of the two countries can best stand this opposition of counter exclusions, the United States are prepared to abide by the result. Still, we would prefer to remove them at once; if for no other reason, than that it would have a tendency to promote good humour between the two countries. We wish you to urge this argument upon the British cabinet; to remind them of the principles avowed by Lord Castlereagh in Parliament, to which I have before referred; and of their precise bearing upon this question. It may also be proper to suggest, that, while Great Britain is pressing upon Spain the abandonment of her commercial monopoly throughout the continent of South America, her recommendation must necessarily gain great additional weight, by setting the example with her own colonies; while, at the same time, her own interest in her monopoly must be reduced to an object too trifling for national consideration, when the Spanish colonies shall be open to the commerce of the world. Finally, it may be observed, that the Free-port act, passed at the late session of Parliament, goes already so far towards the abandonment of their system, that it can scarcely be perceived, why they should adhere to the remnant of it any longer. Although arguments may occur to your own reflections, and result from your thorough knowledge of the subject, you will

urge them with earnestness; though giving it always to be understood, that we shall acquiesce in their ultimate determination.

Whenever this subject has been presented to the British cabinet, since the peace, their only objections to the proposals and arguments of the United States has been, that their system has been long established. Lord Castlereagh has invariably acknowledged his own doubts, whether it was wise, or really advantageous to Great Britain; but placed the determination to preserve it upon the single ground of its having long existed. Whatever weight there is in this reasoning, it would bear in favour of all those other exclusions which he congratulated Parliament and the country at having been abolished, as much as in support of this. It is the argument of all existing abuse against reformation; of mere fact against reason and justice. The commercial intercourse between the United States and the West Indies is founded upon mutual wants and mutual convenience; upon their relative geographical positions; upon the nature of their respective productions; upon the necessities of the climate; and, upon the convulsions of nature. When the British ministry say, Against all this our ancestors established a system; and, therefore, we must maintain it; you may reply, If your ancestors established a system in defiance to the laws of nature, it is your interest and your duty to abolish it. But who can overlook, or be blind to the changes of circumstances, since the establishment of the system? to the irresistible consequences of the establishment and growth of the United States, as an independent power; to the expulsion of the French from St. Domingo; to the revolution, in progress in the South American provinces? Every system, established upon a condition of things essentially transient and temporary, must be accommodated to the changes produced by time.

Besides the free-port act, a printed copy has now been received from Mr. Rush, and which we find is limited to ports specially to be appointed by the crown, in the provinces of Nova Scotia and New Brunswick, we have seen in the public journals a bill for permitting a certain trade between the British West Indies and *any colony or possession in the West Indies, or on the continent of America, under the dominion of any foreign European sovereign or state* This measure appears intended to counteract the effects of our late Navigation act; and gives further manifestations of the adherence of the British government to their colonial exclusions. It is the President's desire, that nothing should be omitted, which can have the tendency to convince them that a change would promote the best interests of both countries, as well as the harmony between them. Should your efforts prove ineffectual, we can only wait the result of the counteracting measures to which we have resorted, or which may be found necessary hereafter."

The Secretary of State to Richard Rush, Envoy Extraordinary and Minister Plenipotentiary of the United States, at London.

DEPARTMENT OF STATE,

Washington, 7th May, 1819.

SIR: From the documents transmitted by Mr. Gallatin and you, relating to the negociations of the commercial convention of 20th October last, it appears:

That, at the third conference, a draught of two articles was proposed by the American Plenipotentiaries, for regulating the commercial intercourse between the United States, and 1. The British Islands in the West Indies, and 2. The provinces of Nova Scotia and New Brunswick, in North America.

That, at the fifth conference, the British plenipotentiaries offered the counter-projet of an article for the intercourse between the United States and Nova Scotia and New Brunswick; and, at the eighth conference, an article for that between the United States and the British West Indies. That, in presenting this last article, they stated, that they could not consent to sign any article upon that subject unless the American Plenipotentiaries would accede, in substance, to their article, proposed at the fifth conference, concerning Nova Scotia and New Brunswick, and to an article proposed by the British government, on the 19th of March, 1817, concerning the trade between the United States and the Island of Bermuda: and that the American Plenipotentiaries, not feeling themselves authorized by their instructions to sign the West India article, as proposed by the British Plenipotentiaries, agreed to take the whole question ad referendum to their Government. In comparing the West India article, proposed by the American Plenipotentiaries at the third conference, with that offered by the British Plenipotentiaries at the 8th, it appears:

1. That, in the American projet, the ports in the West Indies proposed to be opened to American shipping are specifically named; while in the British projet they are only designated as the ports which shall be open to the vessels of any other foreign power or state. It is observed, in your joint letter of 20th October, that these ports are the same as those proposed by the American projet, with the exception of St. Christophers, St. Lucia, Demarara, Essequibo, and Berbice; but the difference between the two draughts is otherwise material. For, if the ports were specifically named, the privilege of admission to them would be positive, and not revokable at the pleasure of Great Britain; but, if, passing under the general description, it might at any time be revoked, merely by prohibiting the admission of any other foreign vessels.

2. That, in the American projet, the articles of *naval stores*, *provisions*, and *lumber*, in general terms, are among those stipulated for admission; while, in the British counter projet, the naval stores are restricted to pitch, tar, and turpentine; the lumber, to staves, head-

ings, and shingles; and from the article of provisions, are excepted, salted provisions of every description. The American article provides for the liberty of importing other articles of growth, produce, or manufacture, of the United States, and the importation of which shall not be entirely prohibited from every other place whatever. The British article narrows the limitation to articles not prohibited from every other *foreign* place; so that it would reject articles which might, at the same time, be imported from the British colonies in North America.

3. That the American projet provides for the liberty of exporting molasses and salt, (omitting rum) and sugar and coffee, to the amount of one fourth part of the tonnage of the vessel; and other articles, the exportation of which, to other foreign countries, is not entirely prohibited. The British projet, adding the article of rum, denies those of coffee, and sugar, and allows only the exportation of other articles not prohibited to be exported to other foreign countries *in foreign vessels*. So that articles allowed to be exported to other foreign countries, in British vessels, would still be prohibited from exportation in vessels of the United States.

These differences, so important in themselves, become still further aggravated, by a comparison between the two articles for regulating the intercourse between the United States and the British North American provinces of Nova Scotia and New Brunswick, respectively connected with the West India trade article. The American proposal is, that the vessels of both nations should be allowed to export from the United States into Nova Scotia, and New Brunswick, the *same* articles, the importation of which should be allowable by the West India article, into the West Indies in American vessels, and any other articles, the importation of which from every other country should not be prohibited; and that the vessels of both nations should have liberty to import from Nova Scotia and New Brunswick into the United States, gypsum and grindstones, and any other article the growth, produce, or manufacture, of *those provinces*, the importation of which into the United States from every other foreign country shall not be prohibited. The British proposal is, that the vessels of both nations should be allowed to export from the United States into Nova Scotia and New Brunswick, not only the *same* articles to be admitted by the direct trade to the West Indies, but the additional articles of scantling, planks, hoops, fruits, and seeds, with a specific enumeration of grain and bread stuffs, instead of provisions, and that the vessels of both nations should be allowed to import from Nova Scotia and New Brunswick into the United States, not only gypsum, grindstones, and any other articles the growth, produce, or manufacture, of *the said provinces*, but, also, any produce or manufacture of *any part of His Britannic Majesty's dominions*, the importation of which, into the United States, shall not be entirely prohibited.

To complete this review, we are to compare the proposals of the two parties in relation to the trade between the United States and the Island of Bermuda.

The American proposal is, to include it in the West India trade article, and thereby place it on precisely the same footing as the West India islands.

The British article of 19th March, 1817, proposed that the vessels of both nations should be allowed to import from the United States into the Island of Bermuda, not only the articles proposed by the British West India article to be admissible into the West Indies, but hemp, flax, masts, yards, bowsprits, plank, timber, and lumber of any sort, bread stuffs enumerated, and grain of any sort, of the growth or production of the United States: And that they should be allowed to export from Bermuda to the United States any goods or commodities whatsoever, exportable by law from the British West Indies to any foreign country in Europe; and, also, sugar, molasses, coffee, cocoa nuts, ginger, and pimento, and all goods of British growth, produce, or manufacture.

The views of the British government in these connected proposals, are elucidated by the right which, in the West India trade article, they insist upon reserving, to impose higher duties upon all articles so importable from the United States to the West Indies, than upon all similar articles, when imported from any of his majesty's dominions, and being of the growth, produce, or manufacture of his majesty's possessions: And by the statement of the British plenipotentiaries at the 8th conference, as entered upon the protocol, that they could not sign any article concerning the direct trade between the United States and the West Indies, unless with *their* proposed articles concerning the intercourse of the United States with Nova Scotia and New Brunswick, and the Island of Bermuda.

No objection will, on our part, be made to the exception of the articles proposed by the British projet to be excluded entirely from the trade, namely; salted provisions of every description, although their probable value is equal to one-third of the whole mass of the exports to the West Indies. But it cannot be disguised, that, if the three articles taken together, would not, in their immediate operation, secure the carrying the whole trade in British shipping to the exclusion of that of the United States, they would, at least, leave the ultimate operation entirely at the discretion of the British government; who, by proportioning the difference of duties upon the articles of our growth, produce, or manufacture, and upon the like articles of the produce, growth, or manufacture of the British dominions, to the experience of their own interest, may annul, entirely, the direct importations, and secure the conveyance of the whole to their own ships. They agreed, indeed, to stipulate that the duties upon the direct, shall not be other or higher than upon the indirect importations; but all the effect of this engagement is demolished by the right reserved of imposing higher duties on articles of our growth, produce, or manufacture, than upon the like articles of their own. For, as the indirect importations would be exclusively in British vessels, it must be expected that all articles imported from British colonies would be received as of British produce, without

scrutiny with regard to their origin, and thus the produce or manufacture of the United States, imported indirectly through Halifax, St. John's, or Bermuda, would be received as of British produce, or manufacture, and less imposed than the same articles imported directly from the United States; and the reserved right of aggravating the duty upon the direct importation, being unlimited, might, at any time, at the pleasure of the British government, be made equivalent to a total prohibition, while, at the same time, our power of countervailing legislation would be locked up by the terms of the compact.

With the convention of the 20th October, all the documents transmitted by you, relating to the negotiation, were submitted to the Senate. Those relating to the subject of this suspended article, were referred to the Committee of Foreign Relations, of that body, by whom, towards the close of the session, a confidential report was made, a copy of which is herewith enclosed. The shortness of the time not having admitted of a discussion of the report, it was referred to this Department; and, as it is probable that, unless an amicable arrangement of the subject can be effected before the next winter by negotiation, the measures suggested at the close of the report, as essential for completing the experiment of our counteracting system, will be brought forward in Congress. The President, always preferring the principle of arrangement by amicable compromise, to the conflict of adversary laws, wishes to make another effort to prevail upon the British cabinet to adjust this concern by mutual concession, and upon terms of practical reciprocity. You are, therefore, authorized to agree to two additional articles, as supplementary to the convention; accepting the restricted list of articles, as proposed by the article which the British Plenipotentiaries offered at the eighth conference; and submitting to the exclusion of salted provisions, and to the confined list of naval stores and lumber, among the importable, and to the exclusion of sugar and coffee from the list of the exportable articles, in American vessels, in the direct trade with the West Indies; but with the condition, that the list of importable articles to the West Indies shall be the same as that to Bermuda and to the North American colonies; and that the exportable articles shall be confined to such as are of the growth, produce, or manufacture, of the British West India and North American colonies; and that no other or higher duties shall be payable on importations from the United States, directly or indirectly, than on similar articles imported from any foreign country, or from any of the British colonies themselves. A draft of two articles to this effect, and forming a compromise between the articles proposed by you at the third, and those offered by the British Plenipotentiaries at the fifth and eighth conferences, is herewith enclosed. We consent by this proposal to restrict the list of articles to be admitted in the trade, even as the British cabinet itself desires; but we adhere to the principle that, of this traffic, thus limited, our shipping shall have the chance of carrying its fair proportion, and shall stand on equal terms of competition with the British. It is not intended that

you should be confined to the letter of this draft. It may be modified, in regard to the expression, as you think proper; and, if desired by the British government, the two passages, included within brackets, in the first article, may be omitted. But you will candidly state to Lord Castlereagh, that our ultimate object in participating in the *navigation* of this necessary trade, having been explicitly avowed, must be steadily pursued; that we deem it more for our interest to leave it on the footing of mutual regulation, than to bind ourselves by any compact, the result of which must be to disappoint us of that object; that we think the effect of the three articles, declared to be inseparable by the British Plenipotentiaries, would be to deprive us even of the portion of the carrying which we have already secured by our existing laws, and which we believe we can further secure, and that it is far better for the harmony of the two nations to avoid any bargain, in which either party, after agreeing to it, shall have, by the experience of its effects, the sentiment of having been *over-reached* brought home to its councils. We ask for no such engagement on the part of Great Britain. We have too much confidence in the wisdom and liberality of her cabinet to believe that they would wish to obtain such an engagement from us. At every step of counteracting regulation that we have taken, or shall take, in this concern, we proceed with reluctance, because we are convinced it might be adjusted more to the mutual interest and mutual understanding, by amicable arrangement, than by countervailing legislation. But, to whatever arrangement we may subscribe, we are convinced it can answer no useful purpose, unless it shall prove to be founded on the reciprocity of real effects, instead of hinging upon that of words.

Your power, heretofore given, is considered sufficient to authorize you to sign two additional articles, of the substance of those enclosed, with any person or persons, duly authorized by the British government. If agreed to, they may be declared supplementary to those of the convention of 20th October, and to be of the same duration. They must, of course, be submitted to the Senate for ratification here.

I am, very respectfully, sir,

Your most humble and obedient servant,

JOHN QUINCY ADAMS.

Draft of supplementary articles, mentioned in the foregoing letter.

ARTICLE 1.

The vessels of the United States, and British vessels, shall have liberty to import from any of the ports of the United States, to which any foreign vessels are permitted to come, into any of the following ports, namely: Kingston, Savannah-la-Mar, Montego Bay, Santa Lucia, Antonio, Saint Ann, Falmouth, and Porto Maria, in the Is-

land of Jamaica; San Joseph, in the Island of Trinidad; Scarborough, in the Island of Tobago; St. George, in the Island of Grenada; Kingston, in the Island of St. Vincent; Bridgetown, in the Island of Barbadoes; Rosseau, in the Island of Dominica; St. John's, in the Island of Antigua; Road Harbor, in the Island of Tortola; the principal port of Turk's Island; Nassau, in the Island of New Providence; Pitt's Town, in Crooked Island, and the principal port of the Island of Bermuda: tobacco, pitch, tar, turpentine, staves, headings, shingles, horses, mules, poultry, live stock, and provisions of all sorts, (except salted provisions of any description, whether meat, fish, or butter,) such articles being of the growth, produce, or manufacture of the United States; [and any other articles of the growth, produce, or manufacture of the United States, the importation of which, into the abovementioned ports, shall not be entirely prohibited from every other foreign country or place,] and the vessels of the United States, and British vessels, shall have liberty to export, from any of the said ports of His Britannic Majesty's dominions, to any of the aforesaid ports of the United States, rum, molasses, and salt, being of the growth, produce, or manufacture, of any of the abovementioned dominions, [and any other articles of the said growth, produce, or manufacture, the exportation of which, to any other foreign country or place, shall not be entirely prohibited.] The vessels of either party, employed in the trade provided for by this article, shall be admitted into the ports of the other as abovementioned, without paying any other or higher duties or charges than those payable in the same ports by the vessels of such other party; and they shall have liberty, respectively, to touch during the same voyage at one or more of the abovementioned ports of the other party, for the purpose of disposing of their inward, and of taking on board their outward cargoes. No other or higher duties shall be paid on the importation from the United States into the abovementioned ports of the British colonies, or from the said ports into the United States, of any of the articles importable by virtue of this convention, when imported in the vessels of either of the two nations, than when imported in the vessels of the other; nor when imported directly between the United States and the said ports, or vice versa, and when imported in a circuitous manner. No other, or higher duties, shall be charged upon any of the abovementioned articles, when imported by virtue of this convention into the United States, or into any of the ports aforesaid, than may be charged on similar articles when imported from any foreign country into the United States, or from any other country or place whatsoever into the said ports. The same duties shall be paid, and the same bounties shall be allowed, on the exportation of any articles which may, by virtue of this article, be exported from the said British ports to the United States, or from the United States to the said ports, whether exported in vessels of the United States or in British vessels.

ARTICLE 2.

The vessels of the United States, and British vessels, shall have liberty to export from any of the ports of the United States, to which any foreign vessels are permitted to come, to the ports of Halifax, in Nova Scotia, and of St. John's, in New Brunswick, and to any other port within the said provinces of Nova Scotia and New Brunswick, to which vessels of any other foreign nation shall be admitted, any article of the growth, produce, or manufacture of the United States, which, by virtue of the preceding article, is importable from the United States into the British colonial ports therein named, and upon the same terms in regard to the payment of duties and charges. And they shall have liberty to import from any of the aforesaid ports within the provinces of Nova Scotia and New Brunswick, into any other of the aforesaid ports of the United States, gypsum and grindstones, the produce or manufacture of the said provinces, and any article of the said produce or manufacture, the exportation of which, from the said provinces, and the importation of which into the United States, to or from any other foreign country, shall not be altogether prohibited. The vessels of either party, employed in this trade, shall pay no other or higher duties or charges than those of the other. The same duties of importation and of exportation shall be paid on the articles imported or exported by virtue of this article, and the same bounties allowed on their exportation, whether in vessels of the United States or in British vessels.

A.

THIRD CONFERENCE.

Brought of two articles proposed by the American Plenipotentiaries, at the third conference, 17th September, 1818, for regulating the commercial intercourse between the United States and 1, the British Islands in the West Indies, and, 2, the provinces of Nova Scotia and New Brunswick, in North America.

ARTICLE.

It is agreed that vessels of the United States shall have liberty to import, from any of the ports of the United States to which any foreign vessels are permitted to come, into any of the following ports of His Britannic Majesty's dominions in the West Indies, and on the continent of South America, viz: the ports of Kingston, Savannah la Mar, Montego Bay, Santa Lucia, Antonio, Saint Ann, Falmouth, and Porto Maria, in the island of Jamaica; the port of San Joseph, in the island of Trinidad; the port of Scarborough, in the island of

Tobago; the port of St. George, in the island of Grenada; the port of Kingston, in the island of St. Vincent; the port of Bridgetown, in the island of Barbadoes; the principal port of the island of St. Lucia; the port of Rosseau, in the island of Dominica; the port of St. Johns, in the island of Antigua; the port of Basseterre, in the island of St. Christophers; the port of Road-Harbour, in the island of Tortola; the principal port of Turk's Island; the port of Nassau, in the island of New Providence; the port of Pittstown, in Crooked Island; the principal port of the island of Bermuda; the principal port in the colony of Demarara; and the principal port in the colony of Berbice; tobacco, naval stores, live stock, and every species of provisions and lumber, being of the growth, produce, or manufacture, of the United States; and the said vessels shall also have liberty to import, in the same manner, every other article of the growth, produce, or manufacture, of the United States, the importation of which, into the above-mentioned British islands and colonies, shall not be entirely prohibited, from every other place whatever, if of the growth, produce, or manufacture, of the United States, and from every other foreign country or place, if of the growth, produce, or manufacture, of any other foreign country or place. The said vessels, coming directly from any of the aforesaid ports of the United States, shall likewise have liberty to export, from any of the aforesaid ports of His Britannic Majesty's dominions to any of the aforesaid ports of the United States, sugar, coffee, molasses, and salt, being of the growth, produce, or manufacture, of any of the above-mentioned British islands and colonies; and the said vessels shall also have liberty to export, in the same manner, any other article of the said growth, produce, or manufacture, the exportation of which, from the said British islands and colonies, to every other foreign country or place, shall not be entirely prohibited. Provided, however, that the quantity of sugar and coffee which may be thus exported shall not, for each vessel, exceed the rate of five hundred weight of both together for each ton of the burthen of such vessel.

British vessels shall, in the same manner, have liberty to import, from any of the aforesaid ports of His Britannic Majesty's dominions, into any of the aforesaid ports of the United States, sugar, coffee, molasses, and salt, being of the growth, produce, or manufacture, of the above-mentioned British islands and colonies; and the said vessels shall also have liberty to import, in the same manner, any other article of the said growth, produce, or manufacture, the exportation of which, from the said islands and colonies, to the United States, shall be allowed in vessels of the United States, and the importation of which, into the said United States, from any foreign country or place, shall not be entirely prohibited. Provided, that the quantity of sugar and coffee, which may be thus imported, shall not exceed, for each vessel, the rate of five hundred weight of both together for each ton of the burthen of such vessel. The said vessels, coming directly from any of the aforesaid ports of his Britannic

Majesty's dominions, shall likewise have liberty to export, from any of the aforesaid ports of the United States, to any of the aforesaid ports of His Britannic Majesty's dominions, tobacco, naval stores, live stock, and every species of provisions and lumber, being of the growth, produce, or manufacture, of the United States; and the said vessels shall also have liberty to export, in the same manner, every other article, the growth, produce, or manufacture, of the United States, the importation of which, into the said British ports, from the said United States, shall be allowed in vessels of the United States, and the exportation of which, from the said United States, to every foreign country or place, shall not be entirely prohibited.

The vessels of either of the two parties employed in the trade provided for by this article, shall be admitted in the ports of the other party, as above-mentioned, without paying any other or higher duties or charges than those payable in the same ports by the vessels of such other party, and they shall have liberty, respectively, to touch, during the same voyage, at one or more of the ports, above mentioned, of the other party, for the purpose of disposing of their inward, and of taking on board their outward, cargoes.

No other or higher duties shall be paid on the importation into the United States of any of the articles which may be imported therein by virtue of this article, when imported in British vessels, than when imported in vessels of the United States, nor when imported directly from the above mentioned ports of His Britannic Majesty's dominions, than when imported in a circuitous manner. And no other or higher duties shall be paid on the importation, into the above mentioned ports of His Britannic Majesty's dominions, of any of the articles which may be imported therein by virtue of this article, when imported in vessels of the United States, than when imported in British vessels, nor, when imported directly from the United States, than when imported in a circuitous manner.

The same duties shall be paid, and the same bounties shall be allowed, on the exportation of any articles which may, by virtue of this article, be exported either from the abovementioned British islands and colonies to the United States, or from the said United States to the said islands and colonies, whether such exportation shall be in vessels of the United States or in British vessels. And the articles thus exported shall, in the dominions of both parties, respectively, pay the same duties, and be allowed the same bounties, on the exportation thereof, as when exported to any other foreign country or place whatever.

ARTICLE.

British vessels shall have liberty to export from any of the ports of the United States, to which any foreign vessels are permitted to come, to the ports of Halifax, in his Britannic Majesty's province of Nova Scotia; to the port of Saint John's, in his Britannic Majesty's province of New Brunswick; and to any other port within the said

provinces of Nova Scotia and New Brunswick, to which vessels of any other foreign nation shall be admitted, any article of the growth, produce, or manufacture of the United States, the importation of which from the said United States into his Britannic majesty's dominions in the West Indies, and on the continent of South America shall be allowed in vessels of the United States, by virtue of the next preceding article of this treaty, and the exportation of which from the United States to every other foreign country or place shall not be entirely prohibited. And vessels of the United States shall, in like manner, have liberty to import, from any of the aforesaid ports of the United States, into any of the aforesaid ports within the said provinces of Nova Scotia and New Brunswick, any of the articles the growth, produce, or manufacture of the said United States, the exportation of which from the said United States to the said provinces shall be allowed in British vessels, and the importation of which into the said provinces from every other foreign country or place, shall not be entirely prohibited.

British vessels shall also have liberty to import, from any of the aforesaid ports within the provinces of Nova Scotia and New Brunswick, into any of the aforesaid ports of the United States, gypsum and grindstones, the produce or manufacture of the said provinces, and they shall likewise have liberty to import, in the same manner, any other article of the growth, produce, or manufacture of the said provinces, the exportation of which from the said provinces to the United States shall be allowed in vessels of the United States, and the importation of which into the said United States, from every other foreign country, shall not be altogether prohibited.

And vessels of the United States shall have liberty to export, from the said provinces to the said United States, gypsum and grindstones, the produce or manufacture of the said provinces; and they shall, likewise, have liberty to export, in the same manner, any other article of the growth, produce, or manufacture, of the said provinces, the exportation of which, to every other foreign country, shall not be entirely prohibited.

The vessels of either of the two parties employed in the trade provided for by this article, shall be admitted in the ports of the other party, as abovementioned, without paying any other or higher duties or charges, than that payable in the same ports by the vessels of such other party. The same duties shall also be paid, respectively, in the dominions of both parties, on the importation and on the exportation of the articles which may be imported or exported by virtue of this article, and the same bounties shall also be allowed on the exportation thereof, whether such importation or exportation shall be in vessels of the United States, or in British vessels.

B.

FIFTH CONFERENCE.

Counter Projet offered by the British Plenipotentiaries, at the fifth conference, 6th October, 1818, of an Article for the intercourse between the United States and Nova Scotia and New Brunswick.

British vessels shall have liberty to export, from any of the ports of the United States to which any foreign vessels are permitted to come, to the ports of Halifax, in his Britannic Majesty's province of Nova Scotia; to the port of St. John's, in His Britannic Majesty's province of New Brunswick; and to any other port within the said provinces of Nova Scotia or New Brunswick, to which vessels of any other foreign nation shall be admitted, the following articles, being of the growth, produce, or manufacture of the United States; viz: scantling, planks, staves, heading boards, shingles, hoops, horses, neat cattle, sheep, hogs, poultry, or live stock of any sort, bread, biscuit, flour, peas, beans, potatoes, wheat, rice, oats, barley, or grain of any sort, pitch, tar, turpentine, fruits, seeds, and tobacco.

And vessels of the United States shall, in like manner, have liberty to import, from any of the aforesaid ports of the United States, into any of the aforesaid ports within the said provinces of Nova Scotia and New Brunswick, the abovementioned articles; being of the growth, produce, or manufacture of the United States.

British vessels shall also have liberty to import, from any of the aforesaid ports within the provinces of Nova Scotia and New Brunswick, into any of the aforesaid ports of the United States, gypsum and grindstones, or any other articles, being of the growth, produce, or manufacture of the said provinces, and, also, any produce or manufacture of any port of His Britannic Majesty's dominions, the importation of which, into the United States, shall not be entirely prohibited.

And vessels of the United States shall have liberty to import, from the said provinces, to the said United States, gypsum and grindstones, or any other articles, being of the growth, produce, or manufacture of any part of his Britannic Majesty's dominions, the importation of which, into the United States, from any other place, shall not be entirely prohibited.

The vessels of either of the two parties employed in the trade provided for by this article shall be admitted in the ports of the other party, as above mentioned, without paying any other or higher duties or charges than those payable in the same ports by the vessels of such other party. The same duties shall also be paid, respectively, in the dominion of both parties, on the importation and on the exportation of the articles which may be imported or exported by virtue of this article; and the same bounties shall also be allowed on the exportation thereof, whether such importation or exportation shall be in vessels of the United States, or in British vessels.

C.

EIGHTH CONFERENCE.

Counter-Projet, offered by the British Plenipotentiaries, at the 8th Conference, 19th October, 1818, of an Article for the intercourse between the United States and the British West Indies.

It is agreed, that the vessels of the United States shall have liberty to import from * [any of the ports of the United States, to which any foreign vessels are permitted to come,] to any of the ports of his Britannic Majesty's dominions in the West Indies, which shall be open to the vessels of any other foreign power or state, tobacco, pitch, tar, turpentine, staves, headings, shingles, horses, mules, poultry, live-stock, and provisions of all sorts, except salted provisions of any description, whether meat, fish, or butter; such articles being of the growth, produce, or manufacture of the United States: and the said vessels shall also have liberty to import, in the same manner, any other articles of the growth, produce, or manufacture of the United States, the importation of which into the above mentioned ports shall not be entirely prohibited from every other foreign country or place. The vessels of the United States shall, likewise, have liberty to export, from any of the aforesaid ports of his Britannic majesty's dominions in the West Indies, to any of the aforesaid ports of the United States, rum, molasses, and salt, being of the growth, produce, or manufacture of any of his Britannic majesty's above-mentioned dominions in the West Indies; and the said vessels shall also have liberty to export, in the same manner, any other articles, of the said growth, produce, or manufacture, the exportation of which, in foreign vessels, from the said ports, to any other foreign country or place shall not be entirely prohibited.

British vessels shall, in the same manner, have liberty to import, from any of the aforesaid ports of his Britannic Majesty's dominions, to any of the ports of the United States, rum, molasses, and salt, being of the growth, produce, or manufacture of his Britannic majesty's above-mentioned dominions in the West Indies; and British vessels shall also have liberty to import, in the same manner, any other article of the said growth, produce, or manufacture, the exportation of which, from the said dominions of his Britannic majesty to the United States, shall be allowed, as aforesaid, in vessels of the United States.

British vessels shall likewise have liberty to export, from any of the aforesaid ports of the United States, to any of the aforesaid ports of his Britannic majesty's dominions in the West Indies, tobacco, pitch, tar, turpentine, staves, headings, shingles, horses, mules,

* The words within brackets were not inserted in the copy handed by the British plenipotentiaries, as is supposed, by an accidental omission.

poultry, live-stock, and provisions of all sorts, except salted provisions of any description, whether meat, fish, or butter, such articles being of the growth, produce, or manufacture of the United States; and the said vessels shall also have liberty to export, in the same manner, every other article, being of the growth, produce, or manufacture of the United States, the importation of which, into the said British ports from the said United States, shall be allowed in vessels of the United States.

The vessels of either of the two parties employed in the trade provided for by this article, shall be admitted in the ports of the other, as above-mentioned, without paying any other or higher duties or charges than those payable in the same ports by the vessels of such other party; and they shall have liberty respectively to touch, during the same voyage, at one or more of the above-mentioned ports of the other party, for the purpose of disposing of their inward, and of taking on board their outward, cargoes.

No other or higher duties shall be paid, on the importation into the United States, of any of the articles which may be imported therein, by virtue of this article, when imported in British vessels, than when imported in vessels of the United States, nor when imported directly from the above-mentioned ports of his Britannic majesty's dominions, than when imported in a circuitous manner. And no other or higher duties shall be paid on the importation into any of the above-mentioned ports of his Britannic majesty's dominions of any of the articles which may be imported therein, by virtue of this article, when imported in vessels of the United States, than when imported in British vessels; nor, when imported directly from the United States, than when imported in a circuitous manner. It is agreed, moreover, that no other or higher duties shall be charged upon any of the above-mentioned articles, being of the growth, produce, or manufacture of the two countries respectively, when imported by virtue of this article, on the one hand, into the said ports of his Britannic majesty's dominions, or into the ports of the United States, on the other, than may be charged on similar articles, when imported from any other foreign country; but his Britannic majesty reserves to himself the right to impose higher duties upon all articles, so allowed to be imported into the said British ports from the United States, than are or may be chargeable upon all similar articles, when imported from any of his Britannic majesty's dominions; provided, that, in such case, such similar articles shall be of the growth, produce, or manufacture of his Britannic majesty's possessions. The same duties shall be paid, and the same bounties shall be allowed, on the exportation of any articles, which may, by virtue of this article, be exported, either from the said ports of his Britannic majesty's dominions in the West Indies, to the United States, or, from the United States to the above-mentioned ports, whether such exportation shall be in vessels of the United States, or in British vessels.

D.

Draught of an article proposed by the British Government, 19th March, 1817, for the intercourse between the United States and the Island of Bermuda.

ARTICLE 2.

His Britannic Majesty engages to allow the vessels of the United States to import, into the Island of Bermuda, the following articles, viz:—tobacco, pitch, tar, turpentine, hemp, flax, masts, yards, bowsprits, staves, heading boards and plank, timber, shingles, and lumber of any sort, bread, biscuit, flour, peas, beans, potatoes, wheat, rice, oats, barley, and grain of any sort, such commodities being the growth or production of the territories belonging to the United States of America; and to export from the said island to the United States, in vessels of the said States, any goods or commodities whatever, which are now by law allowed to be exported from His Majesty's colonies and possessions in the West Indies, to any foreign country or place in Europe; and, also, sugar, molasses, coffee, cocoa-nuts, ginger, and pimento; and, also, all goods, the growth, produce, or manufacture, of the united kingdom of Great Britain and Ireland, and upon the same terms, and subject to the same duties only, as would affect similar articles when imported from the United States into Bermuda, or exported from Bermuda to the United States in British ships. And it is agreed, on the part of the United States, that a similar equality shall prevail in the ports of the said States, with regard to all British vessels trading in similar articles between the United States and the island of Bermuda.

Extract of a letter from Mr. Rush to the Secretary of State, dated

LONDON, June 14th, 1819.

SIR: I was honored, on the eighth instant, with your despatch, number seventeen, of the seventh of May.

On the ninth I addressed a note to Lord Castlereagh to request an interview, that I might proceed to lay before this government, without losing any time, the determinations to which the President had come on the important subject of the commercial intercourse between the United States and the West Indies. His lordship appointed yesterday for me to wait upon him.

I commenced with calling to mind the point at which the discussions had left off upon this branch of the negotiation last autumn, and gave a new assurance of the President's earnest desire to see this

trade opened upon a footing of entire and liberal reciprocity, rather than stand any longer upon the conflict of arbitrary laws. In this spirit I was instructed to offer a projet which had been carefully drawn up upon the basis of a compromise between the pretensions of the two parties, and which indeed would be found to fall in so entirely with the propositions of Great Britain in some respects, and to make such an approximation to them in others, that a hope was cherished of its proving acceptable.

That, in particular, it would be found to adopt the description of naval stores, and of lumber, as articles to be exported from the United States, upon which the British Plenipotentiaries had themselves insisted; confining the former to pitch, tar, and turpentine; and the latter to staves, headings, and shingles, contrary to the more enlarged signification which it had been the desire of the American Plenipotentiaries to give to them. That it acquiesced also in the exclusion of all salted provisions, including the important article of fish. That it, moreover, came wholly into the British views in consenting to the exclusion of sugar and coffee, as articles to be imported into the United States from the British West Indies, it being understood that the above traffic was to be open upon equal terms in all respects to American and British vessels.

In return for such an accommodation to the colonial views of Great Britain, the projet asked, on the other hand, that the list of articles, exportable from the United States to the West Indies should be the same as to Bermuda and to the British North American colonies; that the articles exportable to the United States should be confined to such as were of the growth, produce, or manufacture, of the above islands or colonies; and that the same duties, and no more, should be payable on importations from the United States into the West Indies, whether the articles were brought directly or indirectly, as on similar articles imported into the West Indies from any foreign country, or from any of the British colonies.

With this outline of its contents, I handed a copy of the projet, which came enclosed in your despatch, to his lordship. The discussions between the plenipotentiaries of the two governments having recently been so ample on the matters which it embraces, I thought that nothing was likely to be gained by my leaving room for the possible hope that any of its essential provisions would be departed from. Accordingly, I deemed it best to say, with candor, in the first instance that, as it was offered, so it was to be taken; for that my present instructions would admit of no deviations, unless on points verbal, or otherwise immaterial. His lordship received it with an assurance that a full and candid consideration would be given to it. The pressure of parliamentary business might, he said, delay an attention to it for some weeks; but that, at as early a day as was practicable, it would be taken up.

I replied that I believed the great object would be attained on our side, if a decision were communicated to me in full time to be made to the President, before the next session of Congress. Should our

propositions prove acceptable, I was empowered, I added, to make them supplementary to the convention of the twentieth of October, subject always to the ratification of the Senate.

I here closed, having endeavored, in the course of my remarks, to convey to his lordship's mind those general reasonings, applicable to our propositions, which are unfolded in your despatch, and to which I shall again advert, on future occasions, should it become necessary.

Extracts of a letter from Mr. Rush to Mr. Adams, dated

LONDON, September 17, 1819.

"SIR: Lord Castlereagh came to town on the 15th inst. and granted me an interview yesterday, on the business of the West India trade.

Holding in his hands the proposals I had submitted, his Lordship premised, that he thought it would perhaps be best for him to answer them in the same general way, that the British articles submitted through my predecessor, in 1817, had been answered; that is, not in any formal manner, but merely by a word of conversation with me! I said, that I was sure that the form of the answer would make no difference; its transmission to my government in whatever mode his Lordship might be pleased to convey it to me, would doubtless effect every substantial purpose.

In that there was no hesitation; our proposals, he said, were not of a nature to form the basis of any agreement between the two countries; they would effect an entire subversion of the British colonial system. From this system they were not prepared to depart. Their colonies were in many respects burdensome, and even liable to involve the country in wars. Garrisons and other establishments were constantly maintained in them at a heavy charge. In return, it was just that they should be encumbered with regulations, the operation of which might help to meet, in part, the expences which they created. The great principle of these regulations was known to be the reservation of an exclusive right to the benefits of all their trade; a principle of which the free-port acts had, it was true, produced some relaxation; but it had never been the intention of this government to do any thing more than offer to us a participation in these acts. Some modifications of them would have been acquiesced in, suggested by local causes, and an anxious desire that our two countries might come to an understanding on this part of their intercourse. But to break down the system was no part of their plan. Our proposals therefore could not be accepted. Such were his remarks.

I observed, that, to break down the system, was not our aim. All that we desired was, that the trade, as far as it was gone into at all, should be open to the vessels of both nations upon precisely equal

terms. If the system fell by such an arrangement, it was an incident, and only showed how difficult it seemed to render its longer continuance consistent with a proper measure of commercial justice towards us.

So broad and unequivocal was his Lordship's refusal, that it seemed altogether superfluous to ask him to be more particular; yet, perceiving in me a wish to be made acquainted rather more specifically with the objections, he said, that he would not scruple to mention them, without however entering into details, for which he was not prepared, and which had been amply unfolded on both sides during the negotiation this time twelve month. The objections were threefold. First, we asked an enumeration, by name, of all the ports in the West Indies, that we desired should be open to our vessels; secondly, that the trade between the United States and the British colonies on the continent of America, and with Bermuda, should be confined within the same limits as that between the United States and the West India Islands direct; and, thirdly, we asked, that the duties on articles imported from the United States into the islands in American ships, should be no higher than on the same articles when imported in British ships from the United States, or from any other country, without saying *foreign* country. These three provisions, particularly the second and third, would form insurmountable obstacles to the conclusion of any convention which should purport to embrace them.

I contented myself with replies as general. The communications from the joint mission last year, as well as some separate ones from this Legation after it was over, will have informed the President how fully the views of our government, on the injustice of this system in all its past effects upon us, have heretofore been stated. On this occasion I remarked, as to the first objection, that it was plain, that, if the ports were not specially named, the privilege of admission to them would at any time be revokable, whenever Great Britain thought fit to exclude from them any other foreign vessels. It would be, in short, a privilege with nothing positive or certain in its character. As to the second, I said, that, should an indirect trade be opened with the islands in any greater extent than the direct trade, nothing was more clear than that the greater part, or whole, would soon be made to flow in the channel of the former, to the manifest advantage of British bottoms. On the third objection, I said, that an explanatory remark or two, was all that I should add (it would be but repetition) to what had often been urged before. That we should deny to Great Britain the common right of protecting the industry of a part of her own dominions by laying discriminating duties in its favor, might be thought, at first blush, to wear an appearance not defensible. But it would be found, on a moment's examination, to be strictly so. The system built up by Britain must be looked at altogether. It was, in itself, so inverted and artificial, that principles not disputed in the abstract ceased to be just when applied to it. Though one and all of these colonies were indeed of her dominion, yet, were they made to stand, with respect to us, in the light of separate and independent

countries. This was the key-stone of the colonial doctrine. Why should we not in turn adopt and apply it to Great Britain? If we stipulated not to impose upon articles imported into the United States from the British West Indies any higher duties than upon the same articles coming from any other foreign country, a similar provision by Great Britain to impose on articles exported from the United States to her Islands, no higher duties than on the same articles when brought from any other *foreign* country, would obviously be one of but nominal reciprocity; since, after *her own* dominions on the continent of America, there was no other place whence such exportations to her islands would ever be made. Thus it was, that this third provision, combined with the two others, became necessary to enable the United States, whilst prosecuting a trade with the British West Indies, to place their navigation upon a footing, not of verbal merely, but of real equality. It was the latter alone that could lay the foundations of a compact between the two nations, that could ever be satisfactory or lasting.

His lordship did not hold to such views, and the conversation was not prolonged. It is proper for me to add, that he requested it to be understood, that, whilst our proposals were declined, it was altogether in a friendly spirit, and that no complaint would be made as had frequently been intimated, at our resorting to any just and rightful regulations of our own which we might deem necessary to meet theirs, in relation to these islands. I rejoined, that I thought it probable that some such regulations would, before long, in addition to those existing, be adopted.

Having earnestly endeavored to fulfil all my instructions, in their full spirit of anxiety for a different result upon this subject, my duty appears now to have arrived at its close."

Extract of a letter from Mr. Gallatin to the Secretary of State, dated,

PARIS, MAY 21, 1819.

"A set of officers is established, by law, in every port of France, known by the name of "Courtiers interpretes conducteurs de navires," who have the exclusive right of acting as ship brokers, and as interpreters in all transactions and declarations, written or verbal, relative to vessels, whether with the custom houses or elsewhere. A tariff, approved from time to time by the minister of the interior, determines their fees, which vary in the several ports, but are always much greater for foreign than for French vessels. Several complaints having been made, both as to the principle and as to abuses flowing from that monopoly, Mr. Laine, then minister of the interior, decided, in October, 1817, as being a correct interpretation of the law,

or a necessary exception to it, that every man might always act for himself, without the interposition of the brokers, and that a foreigner acting with the assistance of the consul of his nation must be deemed to act by himself.

Gross abuses had prevailed at Havre, where the brokers had constantly extorted from the American captains fees more than double of those fixed by the tariff, a circumstance which had not been communicated to me. Mr. Beasley, in the summer of 1818, was induced to avail himself of the authority given by Mr. Laine's decision, and soon acted in behalf of all the American captains, who ceased to employ the brokers. Their usual declarations were received in that way at the custom house; but rejected by the administration of the "octroi." The case having been stated to me, and the former abuses being at the same time brought to view, I made, in July and August last, the proper representations to the duke of Richelieu. The administration of the "octroi" was instructed to receive the declarations of the captains through the consul or his chancellor; a new instruction, confirming the former one, was transmitted from the department of the interior; and the duke of Richelieu, in a letter of the 12th of September, 1818, gave me the assurance, that the brokers should be kept within the bounds of the tariff, and that all abuses in that respect would be suppressed. Considering the point as settled, and having about that time departed for England, I did not trouble you with a communication of these details.

The brokers, denying the power of the minister of the interior to give that construction to the law, had, in the mean while, instituted a suit against one of the captains, and against the chancellor and secretary of Mr. Beasley, for having infringed the provisions of the said law. Mr. Beasley having intervened, as consul, and declared that they had acted by his direction, it was expected that the court would declare itself incompetent. This, however, has not taken place. The tribunal of Havre rejected the interposition of the consul, forbade the chancellor and secretary to interfere in future with the functions of the brokers, and condemned them to pay the expenses of the suit. On appeal to the royal court of Rouen, this tribunal reversed the decision of that of Havre, by admitting the consul's intervention, but not considering the letters of the minister of the interior as sufficient evidence, gave only an interlocutory decree, by which Mr. Beasley was directed to produce, within three months, a decision from the competent authority, showing that he was authorized to act, and to delegate his authority in the manner he had done it. The brokers having appealed to the court of Cassation, this last court has confirmed the decision of that of Rouen, on the special ground, that the contended for exception to the law might result from a diplomatic arrangement, but not from a simple decision of the minister of the interior.

Previous to this decree of the court of Cassation, Mr. Decazes, now minister of the interior, had, on the 17th February last, rescinded Mr. Laine's decision of October, 1817, on the ground that the

law was peremptory; in consequence of which Mr. Beasley has ceased to act as interpreter, and the brokers again act exclusively as such. Mr. Decazes, by another decision, of the 24th February, approved a new tariff, by which the fees of the brokers are more than doubled, and made about equal to those which they had formerly illegally exacted from the American captains. Both decisions were made without any previous notice to me, or to any other foreign minister, without any concert with the department of foreign affairs, and without being brought before the council of ministers.

Several of the foreign ministers have made representations against those decisions of Mr. Decazes. I was obliged to wait for the decree of the court of Cassation, and for a copy of it, in order to bring before the department of foreign affairs both the questions which arose from the lawsuit, and in which we were alone concerned, and those more immediately belonging to the broker's fees and exclusive privilege. I have now the honor to inclose copies of the letters which I have addressed to marquis Dessolle on those subjects, and also of the correspondence which had taken place last year.

You will perceive that, with respect to the suit, I have asked, 1st, a special decision from the king's government, which shall satisfy the court of Rouen, that Mr. Beasley had been duly authorized to act as he did, and thus put an end to the suit now pending: 2d, a general decision which may shelter our consuls from any direct or indirect prosecutions, before "correctional" or criminal tribunals, for their official acts. It must, on this last point, be observed, that, no French public functionary can be either sued or prosecuted here, for any of his official acts, without the previous permission of the council of state.

As to the other questions I have asked, 1st, that our consuls might act as interpreters for their countrymen in their transactions with the custom houses, and other administrations: 2d, that the tariff should be reduced and fixed at the same rate for American as for French vessels. In those several demands I have chiefly dwelt on the principle of reciprocity.

The questions relative to the suit have, at my request, been referred to the minister of justice. I infer, from a long conference with Mr. Dessolle, that the ministry will support Mr. Decazes in his construction of the law, which they say cannot be modified, even by a subsequent treaty, without the assistance of the legislative body.—Mr. Dessolle seemed to receive, more favorably, the application for a modification of the tariff.

That minister having no knowledge of the English language, I had hoped, by addressing him in French, to accelerate decisions in the business to be transacted with him.

Mr. Gallatin to the Marquis Dessolle, Minister of Foreign Affairs.

[TRANSLATION.]

PARIS, 5th May, 1819.

SIR: I have the honor to transmit to your excellency a memorial, accompanied by eleven documents, addressed to you by Mr. Beasley, consul for the United States, at Havre, in relation to the differences between him and the brokers, interpreters of that place, on the subject of which I had the honor to make communications to the Duke of Richelieu, in my several letters of the 28th July, 3d and 10th of August, 1818.

It is proper that I should recal to your excellency, that, in consequence of the decision promulgated on the 25th October, 1817, declaring the right of every individual to act for themselves, and without the intervention of a broker, in their own affairs, every master of a vessel, being a foreigner, was considered as acting for himself, when accompanied by the consular agents of his nation; it was, I say, solely in consequence of that decision, that the consul of the United States, at Havre, officiated as an intermediate agent, either personally, or by his chancellor, in making the customary declarations required of American captains, by the administrations of the customs and of the direct contributions. This decision was further confirmed by one of the ministers of the interior, made upon a full investigation of the statements of the brokers, and of my representations, and of the explanations furnished to him by H. E. the minister of foreign affairs.

The brokers had, notwithstanding, instituted a suit in the tribunal of correctional police, at Havre, against captain Cowell, an American, and Messieurs Taylor and Touret, the former the chancellor, and the latter the secretary, of the consul of the United States, on the plea of their having made the customary declarations to the administration of the customs, without resorting to them, and in conformity with the decision of 25th October, 1817. It was to no purpose that the consul interposed, by taking up their defence, the tribunal at Havre having, by sentence of 26th August, 1818, set aside the interposition of the consul, condemned Taylor and Touret to pay the costs of the suit, and forbade them to interfere with the duties of the brokers in future.

On an appeal to the royal court at Rouen, the correctional sentence of the court at Havre was reversed, by a decree of 8th December, 1818; but it went no farther than to pronounce an interlocutory judgment, referring Messieurs Taylor and Touret to the competent authority, to decide, whether Mr. Beasley, as consul of the United States, has a right to exercise the functions of a ship-broker and interpreter, in behalf of his countrymen, in competition with the persons appointed by the French government; and, in that case,

whether he has the right of delegating such functions to his chancellor, or to his secretary. This decree was confirmed on the 26th of March, 1819, by the court of cassation, to which the brokers had appealed. For the text of these two decrees, I beg leave to refer your excellency to the documents annexed to the consul's memorial.

I am aware that the minister of the interior, by a circular, bearing date February 17, 1819, appears to have annulled the decision of his predecessor. But this measure is applicable only to the grounds of the question, and can have no retroactive effect on the incidental difficulty growing out of the suit. It is not my intention to discuss the merits of the main question, at present. I will have the honor to present to your excellency my remarks on that subject, in a distinct shape, and in a separate note. My sole object at present, is, to support the request of the consul, so far as it goes, to obtain, either from your excellency, the council of state, or from any other competent authority, an official and formal decision, which may serve to satisfy the royal court of Rouen, and terminate a vexatious suit, which should never have been instituted.

It is not my intention now to request a decision to that precise effect, which may authorize the consul to act in future in behalf of his countrymen, concurrently with the brokers; but one, declaring his right to do so, as well at the period when he did so act, as on the 8th of December, the date of the sentence of the court at Rouen. Such a decision is merely the declaration of the fact as it then stood: and the consul having acted, as I have before remarked, strictly in conformity with the decisions pronounced by his majesty's government, has an unquestionable right to its protection from all suits, founded on this pretence, either against him or his chancellor.

By the sentence of the royal court of Rouen, Messieurs Beasley, Taylor and Touret, were bound to abide by, or appeal from, the decision to be given, within the term of three months, commencing from the 8th of December, 1818, the date of the sentence. This term began effectually only on the 26th of March, 1819, the day of the date of the sentence of the court of cassation. I beg your excellency will be pleased to recollect, that it will expire on the 26th of June, and that it is requisite that the decision should be submitted to the court at Rouen before that day.

To the request of the consul, permit me, sir, to add a few remarks, which are, however, intended to apply only to the suit, and not to the grounds of the main question.

The consuls of France, in the United States, could never have been exposed to what has been experienced by the American consul at Havre. With a view to protect the agents of foreign powers from local vexations, and to prevent their being dragged from court to court, it is provided, not by a temporary law, but by the constitution of the United States, that the supreme court, which, in cases of personal concern, is to be considered in the light of a court of cassation, should serve for all such agents, and even for consuls, as the first court to bring suit in; and the only one, in which, even in criminal

cases, they could be sued. In the cases in which other courts have attempted to take cognizance of offences charged on a consul, the government has undertaken the defence, by committing it to the attorney general, whose duty it was made to oppose and prove the incompetency of the court. This was the course taken in the case of Mr. Kosloff, Russian consul, when under a criminal accusation. It has been further determined, that consuls were not liable to prosecution for acts done in the performance of their duties;—a point on which, I think, Mr. Lescallier, late consul of France in the United States, is enabled to give some information.

Thus we find, that, in the United States, where all the national public officers may be prosecuted for their official acts, by any individual thinking himself aggrieved by them, foreign consuls enjoy a special information; whereas, here, the consul of the United States has, in consequence of the suit brought against his chancellor, when acting by his orders, been actually prosecuted, and his case has now, for nine months, been pending in the tribunals, for an official act, performed with the express sanction of the government, and without the smallest interposition having yet been manifested in his favor.

The suit has, however, been brought by persons bearing a public character, whose conduct had necessitated the interference of the consul, of whom they complained. With my note of the 10th of August, 1818, I transmitted to the Duke of Richelieu several original documents, establishing the fact, that the brokers-interpreters at Havre had obliged the masters of six vessels only to pay a sum of 1,427 francs beyond what was authorized by the tariff; and I proved that, in the course of two years and a half, they must have illegally exacted and received from the American commerce, nearly seventy thousand francs more than their lawful dues. The Duke of Richelieu, in his letter of the 12th September following, gave me an assurance, that these abuses should in future be repressed. But the owners and captains, remotely situated as they are, were unable to commence two hundred suits against the brokers, for the recovery of the sums thus unjustly exacted; and they, availing themselves of impunity, have become the complaining party; while, on the other hand, we see the consul of the United States arraigned before the tribunals.

Upon all these considerations, I conceive myself authorized to demand of his majesty's government, not only the special decision required by the American consul at Havre, to dismiss the present suit; but, in addition, that the consuls of the United States, who have his majesty's exequatur, be protected in the free and unmolested exercise of their duties, and no longer exposed to be sued for their official acts, in correctional or criminal courts.

I can offer the assurance that, leaving to their government the care of making such representations as may be necessary, the American consuls will, in the discharge of their duties, confine themselves

strictly within the limits prescribed by the established rules of his majesty's government.

I beg your excellency to receive the assurance of my perfect consideration.

ALBERT GALLATIN.

Mr. Gallatin to the Marquis Dessolle.

[TRANSLATION.]

PARIS, 12th May, 1819.

SIR: By a letter of the 25th of October, 1817, from the Ministry of the Interior, it was declared, in reference to the duties of ship brokers acting as interpreters, that every individual had the right of acting for himself, and without the intervention of a broker, in his own business; and that every foreign master of a vessel was considered as acting for himself, if attended by the consular agents of his nation.

His excellency the Minister of the Interior, relying upon the authority of the law for the appointment of brokers, revoked, by his letter of 17th February, 1819, the declaration above referred to. The question, relating to the duties attributed, by the common law of nations, to consuls, or the exercise of which may, for reasons of convenience, be granted to them, remains untouched. Whether it be necessary, therefore, to annul a law, unless it may have been modified by a diplomatic agreement, is a question which I shall not take upon me to discuss.

It is sufficient, that, by the decision of the 17th February, 1819, it is admitted that the law may be so modified by diplomatic agreement: a principle which has been further admitted by the tribunals; namely, by the Royal Court of Rouen, in a decree of the 8th December, 1818; by the Court of Cassation, in one of the 26th of March, 1819, and in the preambles thereto. I had the honor to enclose to your excellency copies of these decrees, in my note of the 5th instant.

No difficulty, therefore, can exist to the forming such diplomatic arrangements as the case may require. I thought, indeed, that this was the light in which what had been done in 1818 was viewed. The decision of the Minister of the Interior, of the 31st of August of that year, explanatory of and confirming that of the 25th of October, 1817, was produced by the difficulties created by the brokers, and by the representations addressed by me to his excellency the Minister of Foreign Affairs; and was not given until the explanations communicated by him to the Minister of the Interior were fully considered. It might, therefore, be viewed as the result of a diplomatic arrangement; and, from the total silence of the letter of the 17th of February,

1819, on that point, it is presumable that, on this occasion, neither the letter of 31st August, 1818, nor the circumstances which produced it, were communicated to his excellency the Minister of the Interior. However that may be, the exclusion which now affects the consuls appears to be at variance with the principles generally received as forming the common law of nations; and is at once highly injurious to the American commerce, and contrary to the principle of reciprocity.

Without enlarging on the first point, I shall only remark, that the establishment of consuls having originated in the aid and protection to be afforded by them to the commerce and interests of their countrymen with the local authorities, the right of assisting them as interpreters in the custom-houses, excise-offices, and other administrations, seems to be a necessary part of their duties.

The serious inconveniences resulting to the American commerce, from the establishment of the brokers-interpreters, have been already stated in my former notes; a proof of which is afforded by the simple fact of the interposition of the American consuls. Receiving no salaries from their government, they must necessarily receive a suitable compensation for their services, when required by their countrymen; nor would they have been resorted to, but for the extravagant demands of the brokers, which are to be traced to their possession of an exclusive right, and to the tariff.

Although the fees payable to the brokers have been regulated, yet there are unforeseen cases constantly occurring, which serve as a pretext for demanding an additional compensation for some service not specified in the tariff. Enjoying a monopoly of the duty, their demands were unavoidably complied with. They even carried the practice so far, for several years, as to exact from the American captains more than double the fees allowed by the tariff. Of this fact I have exhibited proof in my note, to the Duke of Richelieu, of the 10th of August last. This proceeding having been remonstrated against, they presented a demand to the government to alter the tariff, and raise their fees; a measure that would necessarily add to the burthens under which the trade already laboured, and give the sanction of law to the abuses so justly complained of.

But the tariff itself, although requiring the approbation of the government, is prepared and proposed by the local authorities, by the chambers and tribunals of commerce, which, being composed of French merchants, throw the whole burthen upon the commerce of foreigners. This tariff, varying in different ports of the kingdom, is, however, uniformly higher for foreigners than for Frenchmen.

As long as the establishment of the brokers continues in force, upon its present footing, there is no other remedy, either for the rates laid down by the tariff, or for the abuses practised under favor of the monopoly, than by resorting to the consuls. Let the brokers moderate their demands; let their compensation be proportioned to their services; and they alone will be employed. The right of the consuls to act as interpreters, in behalf of their countrymen, will only be exer-

cised in cases where the fees demanded, either in virtue of the tariff, or otherwise, shall be found to be exorbitant. That right, alone, can effectually check abuses, and will be specially exercised for that purpose.

I pass on to the principle of reciprocity.

In the United States, as in France, extraordinary duties are laid by the customs on foreign commerce, for the benefit of the public treasury. I must remark, however, that they are more moderate than in France, and that the United States, as I have on former occasions given the assurance, are ready to form a convention with France, stipulating the repeal of these extraordinary duties by both parties.

But, in the United States, when these duties are once paid, the subjects of France and the citizens of the United States are placed upon a perfect equality. All fees, for any service whatever, payable to public officers of every description, are precisely the same for both: and the Frenchman enjoys the right, in common with the American, of employing the services, as an agent or interpreter, of his consignee, of one of his clerks, or of any other individual. In a word, the French consul may act, in all these different ways, in behalf of his countrymen. Hence we see, that, in consequence of the facility enjoyed by Frenchmen to employ such interpreters as they find most convenient, and of their total exemption from the vexations produced by monopoly and extortion, they seldom apply to their consuls, whose interference is only required in cases of difference or dispute: their right, however, remains unimpaired, and has never been questioned.

I have, therefore, to request of your excellency, that the Americans shall be placed, by the tariff, upon the same footing as Frenchmen, in regard to the fees payable to the brokers-interpreters; and that the consuls of the United States shall enjoy the right of acting for their countrymen in the manner pointed out by the declarations of the 25th October, 1817, and 31st August, 1818; and, especially, that they may assist them as interpreters in the different administrations, concurrently with the brokers-interpreters. I here offer the assurance that the most perfect reciprocity will, in every respect, be observed in the United States.

The government of the United States has seen with satisfaction the great increase of the trade between the two countries in the latter years: a point on which the French custom-houses can furnish precise data. From America, I have none more recent than those published in 1816, in which year the United States imported, exclusive of wines, brandies, dried fruits, and other articles of that nature, to an amount of about sixty millions, in merchandize, the produce of French industry. More than two-thirds of this consist of articles of modes and luxury, manufactured at Paris, and of Lyons' silks, exported from Havre. They imported into France at least an equal value in cotton and other raw materials. Your excellency will doubtless concur with me in the opinion, that a trade so extensive and

beneficial to both nations should not be shackled by local vexations, or by those petty interests which have given rise to the representations forming the object of the present note, and of that which I had the honor of addressing to you on the 5th of the present month.

I eagerly seize on this occasion to renew to your excellency the assurance of my distinguished consideration.

ALBERT GALLATIN.

Mr. Gallatin to the Marquis Dessolle.

[TRANSLATION.]

PARIS, 14th May, 1819.

SIR: When I had the honor to address to your excellency my note of the 12th instant, I was not informed that the brokers-interpreters at Havre, had obtained an alteration of the tariff in their favor.

I am no less surprised than concerned to learn that, as far back as the 24th of February last, his excellency the minister of the interior approved this new tariff, which allows to the brokers-interpreters, for French ships, when loaded, fifty centimes on every ton of goods entered, and twenty-five centimes at clearing: for foreign ships, one franc [100 centimes] per ton of measurement at entry, and, if they clear out with cargo, fifty centimes per ton of goods.

By the former tariff, American ships, arriving from the United States, paid, altogether, from fifty to ninety centimes per ton.

An American ship of 300 tons, which is about the medium tonnage of our vessels employed in the trade to Havre, paid, according to the former tariff, one hundred and fifty francs; and, according to the present, four hundred and fifty francs on clearing out with cargo, and three hundred on clearing out in ballast.

By which it appears, that the brokers are now authorized, by law, to demand the exorbitant fees which, for two years and a half, they had been receiving contrary to law; and, instead of being punished for their violations of the tariff, their extortions have received the sanction of the law.

I had the honor, in my note of the 10th of August, 1818, denouncing these abuses, to inform the Duke of Richelieu of the exertions then making by the brokers to obtain this alteration of the tariff; and I expressed the hope that they would be unavailing, and that no new burthen would be imposed on the American commerce.

The Duke of Richelieu, in his answer of the 12th September, following, says, "the administration will take measures that they (the brokers at Havre) shall strictly conform to the existing tariff, and the abuses they may have committed shall be repressed."

Relying on this assurance, I was far from expecting that the tariff would have been augmented without any previous notice.

I am persuaded that the greater part of these circumstances have been unknown, and that no hesitation will be felt in reducing and equalizing the tariff, and giving the requisite attention to the representations contained in my note of the 12th of the present month.

I request your excellency to accept the assurances, &c.

ALBERT GALLATIN.

The Duke of Richelieu to Mr. Gallatin.

[TRANSLATION.]

PARIS, 12th September, 1818.

SIR: I have the honor to return to you the seven original acquittances enclosed in your letter of the 10th of August last, relative to the charges exacted by the brokers at Havre from American vessels.

The administration will take measures to enforce their strict observance of the existing tariff, and to put a stop to the abuses that may have been practised by them.

Be pleased, sir, to accept the assurances, &c.

RICHELIEU.

Mr. Gallatin to the Duke de Richelieu.

PARIS, 28th July, 1818.

MONSIEUR LE DUC:

I am informed that his excellency the Minister of the Interior addressed a circular letter to the several chambers of commerce, bearing date the 25th of October, 1817, and intended to define the rights and duties of the brokers-interpreters, conductors of vessels. In that letter are the following paragraphs, which I beg leave to transcribe from the copy with which I have been furnished.

TRANSLATION.

“An exception to these privileges occurs at once upon considering the right attributed to every individual of acting for himself, and without the intervention of a broker, in his own concerns.

“So that no French captain, no foreign captain or trader, who speaks French, is bound to employ a broker, either in settling his freight or in making his declarations at the custom house, or, in fine, for any other formality whatever, if he acts in person.

“But, if he employs another, he is to resort to the person designated by law; he can only be assisted by a broker, nor can the custom house admit any other.

"Nevertheless, foreign consuls, acting personally, or by their accredited vice consuls or chancellors, have claimed the right of assisting the ship masters as well as other persons of their nation, and of acting for them as interpreters; and, it has been admitted, that this was, precisely, one of the principal objects of their establishment. By virtue of this reciprocal privilege, every foreign ship master is considered as acting in person when he is accompanied by the consular agents of his nation, duly accredited; and, that, whether he speaks the French language or not.

"In regard to translations, it is exclusively the duty of the broker to translate all documents produced in disputes on commercial matters; but the exclusive right of interpreters is not to be understood as extending to any other act, or to any other case, &c."

The consul of the United States, at Havré, has accordingly assisted, lately, several American captains in making the necessary declarations at the custom house, for the purpose only of entering and clearing the vessels; but he has been interrupted in the exercise of those functions, which he thought, indeed, inherent to his office, and which were so explicitly recognised by the instructions above quoted.

The officers of the custom house, after some hesitation, and on the consul's formal demand and making himself responsible for the consequences, have received the declarations made by the captains with his assistance; but the brokers have not only entered a protest, of which I have the honor to inclose a copy; they have also, as therein intimated, actually brought suits before the tribunal of first instance, against the American captain and consul's chancellor.

The controller of the indirect contributions, (at one of whose bureaux it is necessary to make declarations of the wines and spirits which may be on board for the use of the captain and crew,) has positively refused to admit such declarations through the consul; and, in a letter, of which I have also the honor to inclose a copy, he has intimated his determination to seize all American vessels whose captains shall not have made the declarations with the assistance of the brokers.

This refusal, and this determination on his part, rendering the instructions of his excellency the Minister of the Interior altogether nugatory, I beg leave to request your excellency that such orders may be given to the several administrations and authorities as will carry those instructions into effect, and as may protect the American consul and captains against the proceedings with which they are threatened.

It is proper to add, that the captains and owners of French vessels are at perfect liberty, in the United States, to use, in their transactions with the custom house, or with any other public office, the assistance of the consuls of their nation; and to employ such agents as they may think proper.

I request your excellency to accept, &c.

ALBERT GALLATIN.

The same to the same.

PARIS, *August 3d*, 1818.

MONSIEUR LE DUC:

I had the honor to write to your excellency, on the 28th of last month, in relation to the opposition made to the consul of the United States, at Havre, by the Controller of the Indirect Contributions, and by the brokers of that place; I have now that of transmitting a copy of one of the seizures made, by the controller aforesaid, of part of the stores of the American vessels entered by the assistance of the consul, and also a printed copy of a letter said to have been addressed, by the brokers, to his excellency the Minister of the Interior, and which has been published and circulated at Havre.

It does not belong to my functions to discuss the questions which the brokers have raised respecting the construction of the laws of France, and the validity of the orders which have emanated from his Majesty's government. To those orders, leaving it to the Minister of the United States to make such representations as the case might require, to those orders the American consul and captains must and will always submit. But, whilst they act in conformity with such orders, they are entitled to the protection of his Majesty's government, and I beg leave to claim it for them in this instance.

Not only have they been summoned before the tribunals for having made declarations at the custom house, which had been actually received as legal by its officers, but the Controller of the Indirect Contributions has, by its refusal to receive declarations made in the same manner, altogether defeated the object of the circular of the Minister of the Interior; and he subjects the American captains, by his seizure of stores and vessels, to indefinite expense and delays.

It is to this last circumstance that I wish more particularly to call your excellency's attention at this moment, as a letter from the Director General of the Indirect Contributions would, it is presumed, be sufficient to compel the officers of that administration, at Havre, to comply with the orders of government, and to act in the same manner as the custom house officers.

Permit me, therefore, to request that orders may be given to the Controller aforesaid, to receive the declarations made at any of the bureaux of his administration, by the American captains, with the assistance of their Consul, and to release the stores, vessels, or other property, which may have been seized by his orders, under color of such declarations having been thus made, without the assistance of the brokers.

The urgency of that measure induces me to confine this letter to that sole object; but, I may hereafter add to it some representations concerning the rate of emoluments charged to American vessels by the brokers at Havre, and which has been the primary cause of the consul's interference.

I request your excellency to accept, &c.

ALBERT GALLATIN.

The same to the same.

PARIS, 10th August, 1818.

MONSIEUR LE DUC: In the letter which I had the honor to address to your Excellency, on the third of this month, I alluded to the illegal fees charged by the brokers of Havre to the captains of American vessels.

I have now the honor to enclose a copy of the Tariff, and some of the brokers' accounts, showing that their charges have considerably exceeded the rates fixed by it. These legal rates vary from 40 to 87½ centimes per ton, according to the size of the vessels; and taking the average of the six first months of this year, would have amounted to 56½ centimes per ton. The brokers have, for several years, demanded one franc and fifty centimes per ton.

Prior to this year this demand was always enforced without any reservation; in proof of which their books may be examined, and the enclosed accounts, No. 1 to 6, show, that in some instances, they have received even more. The difference between the legal charges, according to the Tariff, and those made and received by the brokers, in these six vessels alone, amounts to 1427 francs, as appears from the following statement:

	<i>Tons.</i>	<i>Due by the Tariff.</i>	<i>Charged by Brokers.</i>
Pocahontas	280	<i>fr.</i> 150	<i>fr.</i> 570
Ceylon	210	135	350
Chatsworth	266	150	380
Emmeline	212	135	315
Mary Augusta	234	135	370
Catharine	178	120	267
In six vessels,	<u>1,380</u>	<u>825</u>	<u>2,252</u>

Although the statement of the vessels entered at Havre, from 1st July, 1815, to the 31st December, 1817, is not in my possession, I believe that there could not have been, during that period, less than 300, measuring together about 75,000 tons, on which the legal charges of the brokers, as fixed by the Tariff, could not have exceeded 45,000 francs, and on which they must have charged and received more than 110,000 francs.

In December last, the American captains determined, with the advice of the Consul, to resist these exorbitant and illegal demands; and the brokers so far yielded as to receive one franc per ton; they refused, however, to give final receipts, and made a reserve of the other fifty centimes, in case they should be adjudged to them. But they have lately again required the payment of one franc fifty centimes per ton, and have given receipts of the form exhibited in the account No. 7, and by which they oblige themselves to refund the fifty centimes, if they are not entitled to them by competent decision.

The statement of the American vessels entered at Havre, from the 1st January to the 30th of June, 1818, is in my possession. They were in number 74, measuring 19,040 tons; on which the legal charge of the brokers, according to the Tariff, was 10,720 francs, as appears by the following abstract:

From 90 to 120 tons, none.

120	150	6 vessels at 105 francs per vessel,	<i>Frs.</i> 630
150	200	11	120
200	250	19	135
250	300	15	150
300	350	16	165
350	400	3	180
400 and above	4	200	800

74 vessels, by Tariff,

Frs. 10,720

At the rate of one franc per ton, the brokers have received, on these vessels, 19,040 francs, or 8,320 francs beyond what they were entitled to: and their reserve of fifty centimes amounts to a further sum of 9,520 francs, which the captains have also been obliged to leave in the hands of their consignees. Lately, as has already been stated, the brokers again demand the immediate payment of the whole at the rate of one franc fifty centimes per ton.

These abuses were, till lately, but very partially known to me, and the tariff was communicated only a few days ago. I am sure, that being now brought to the knowledge of your Excellency they will be suppressed, and their authors discountenanced. It is understood, that they are endeavoring, at this time, to obtain an alteration in the tariff. It is hoped that this attempt will be defeated, and that no new charges will be authorised on the American commerce, whose growing importance is equally beneficial to both countries, and which should not be impeded by such petty vexations.

Permit me to request, that the accounts, No. 1 to 7, being original papers belonging to the parties, may be returned to me.

I request your excellency to accept, &c.

ALBERT GALLATIN.

Mr. Sheldon to Count d'Hauterive, acting as Minister of Foreign Affairs, in the absence of the Duc de Richelieu.

PARIS, September 30, 1818.

SIR: The consul of the United States at Havre informs me that the local authorities there refuse to recognize the chancellor of that consulate, or to receive declarations or other official papers presented by him, alleging that no exequatur has been granted to him for the exercise of his functions.

The consul himself having duly received the exequatur of his majesty, and, in the regular exercise of his official duty, appointed his chancellor, by an act or commission under his hand and seal; this appointment belonging, under our laws and usages, to the consul alone. The appointment was made known to the prefect of the department, and the recognition of the chancellor, by that officer, was signified to the consul, who supposed that no further formalities were requisite. But, either from some misapprehension on the part of the local authorities, or from a formality, the necessity of which, is now, for the first time, made known to this legation, they require an exequatur, or a superior order of some kind, to induce them to acknowledge the chancellor of the consulate officially. The mayor of Havre, is particularly mentioned as having demanded the chancellor's exequatur to be represented to him.

I have the honor to enclose the commission furnished by the consul of the United States at Havre to his chancellor, and to request that an exequatur, if the usages of France render it necessary for that affair, may be granted upon it, or that such orders may be given that he may be duly recognized by all the subordinate authorities, with whom he may have occasion, in the discharge of his official duties, to have any intercourse.

I have the honor to be, &c. [in the absence of the minister of the United States.]

D. SHELDON.

Count D'Hauterive to Mr. Sheldon.

[TRANSLATION.]

PARIS, 17th October, 1818.

SIR: With the letter you did me the honor to write to me on the 30th September last, I received the document shewing the appointment of Mr. Thomas Taylor, as chancellor of the consulate of the United States, at Havre.

In transmitting it to me for the purpose of obtaining the exequatur of the king, it may have escaped your recollection that chancellors, not being entitled to that credential, it would be impossible for me to comply with your request.

That request appears, further, to be connected with particular circumstances, which have already been taken into consideration; and, in consequence of the explanations given, both to the minister of the interior and to the director general of the administration of the customs, I infer, that the chancellors of foreign consuls, residing in France, will, in future, experience no difficulty in the exercise of the duties specially assigned to them in that capacity.

I have the honor to return, inclosed, the commission of Mr. Taylor.

Be pleased, sir, to accept the assurance, &c.

D'HAUTERIVE.

Mr. Gallatin to the Secretary of State.

PARIS, 22d May, 1819.

SIR: A new quarantine of ten days has again been laid on our vessels, and I have again renewed my annual representation on that subject. I have the honor to inclose a copy of my letter to Marquis Dessolle; who, in a conference, has promised to pay immediate attention to the subject. They are, at this moment, much alive to any thing connected with the importation of contagious diseases, a Swedish vessel having lately arrived from Tunis to Marseilles with persons on board having actually the plague; they, and the vessel, are under strict confinement at the Lazaretto of Marseilles, and the circumstance has not been permitted to transpire publicly.

I have the honor to be,

With great respect, sir,

Your obedient servant,

ALBERT GALLATIN.

P. S. May 24th: Mr. Desolle informed me, verbally, last evening, that it had been agreed to take off the quarantine on our vessels. An occurrence in relation to it, at Havre, induced me to write to him again on the subject to-day, and I annex a copy of this letter.

A. G.

Mr. Gallatin to the Marquis Dessolle.

PARIS, 17th May, 1819.

MONSIEUR LE MARQUIS: A quarantine of ten days has again been imposed on all vessels arriving in France from any port of the United States, even though such vessels may have clean bills of health. The Nimrod, arrived lately at Havre from New-York, with 27 passengers on board, is now in that situation. Those passengers are

compelled to remain crowded on board the vessel, without any possible result but that of perhaps creating instead of preventing sickness.

No contagious disease is known to prevail in any part of the United States. No other reason is assigned for this measure than the existence of a malignant fever at St. Domingo, Martinico, or Gaudaloupe. This is the fourth time, within less than four years, that a similar general measure has been adopted without sufficient motives. Every time, government has listened to my representations and removed the quarantine, but not till after considerable loss and inconvenience had been suffered by individuals.

I can only refer to my former letters and briefly repeat their substance.

The yellow fever is essentially a tropical disease. A year hardly elapses without its appearing in some of the West India islands. This in itself, considering the distance and difference of climate, affords no reason whatever for laying under an interdict vessels from the United States. It is only when that disease does actually extend to some of their ports, that cautionary measures become useful and necessary, so far as relates to such ports. The most southern ports of the United States are of course, on account of the great and long summer heats, most exposed. The yellow fever has never been known to exist north of the 43d degree of latitude; it has never, in any part of the United States, made its appearance before the latter part of the month of June; it always disappears with the first frost; it has not, during the last fourteen years, appeared once any where north of Charleston, in South Carolina.

Any quarantine laid on vessels coming with clean bills of health from ports of the United States, where no contagious disease is known to exist, is a measure wholly useless as it relates to the prevention of such diseases, and extremely prejudicial to the commercial intercourse between the two countries. Whenever it is generally known the passengers will be landed in England, and arrive 48 hours afterwards in France, without any other result than causing them some additional expense and inconvenience. As the delay of ten days' quarantine is an extra charge, equal to about 20 per cent on the freight, the vessels will also be induced to land their cargoes in England, whence the cotton will be brought in French vessels to France. The expense will fall on the consumer, and in some instances the return cargoes of the American vessels will be purchased in England instead of France.

Such is nearly the substance of the arguments which have already, on former occasions, been successfully used with your Excellency's predecessor. Last year, during my absence, Mr. Sheldon having made a similar application, he was in answer informed, by a letter of 28th September, 1818, from Mr. D'Hauterive, that the quarantine was taken off, in pursuance of a decision taken by the Council of Ministers, and on the ground that no contagious disease then prevailed in the United States.

The circumstances being now the same, I hope that the determina-

tion will be similar, and that the quarantine will be taken off, and not hereafter be renewed, except with respect to such ports as may at the time be afflicted with a contagious disease, and such vessels as may not have clean bills of health.

I request your excellency to accept, &c.

ALBERT GALLATIN.

The same to the same.

PARIS, May 24th, 1819.

MONSIEUR LE MARQUIS: Your Excellency having informed me verbally, that the quarantine on American vessels had been removed, I had not intended to trouble you again on the subject; but I receive daily representations in relation to it, and every days' delay is attended with some new inconvenience. I am informed, by my letters of the 22d, that one of the passengers on board the Nimrod, named Bourguency, was released and permitted to proceed to Paris, by virtue of an order from the Department of the Interior. This fact, provoking with respect to all the American passengers, and mortifying to myself, whilst it proves, that no importance is attached by this government to the quarantine, makes me still more anxious to receive the official information that it has been in fact removed.

I pray your excellency to accept, &c.

ALBERT GALLATIN.

Mr. Gallatin to Mr. Adams.—Extracts.

PARIS, 25th October, 1819.

“I had the honor, in conformity with your request, to transmit, in my despatches Nos. 40 and 51, copies of the French tariff, and of the communications of our several consuls on the subject of the extra duties and charges laid, in the ports of France, on the commerce of the United States.” “American vessels are daily withdrawing from the trade, and, if the evil is not corrected, the whole of the commerce between the two countries will soon be carried on, almost exclusively, in French vessels. Our countervailing system of extra duties is wholly inefficient to protect our navigation; and if they are still more increased on the same plan, the French duties continuing the same, the ultimate effect would be, that all our importations from

France would be made in American, and all our exportations to France, in French vessels. This, considering the respective bulk of both, would give to the French four-fifths of the navigation between the two countries.

Although the general conversations I have had on the subject gave no hopes of obtaining relief through the medium of negotiations; and, although I felt a reluctance to make an application that would not probably be favorably received, the circumstances appeared so urgent, that I have thought it my duty to address, to the minister of foreign affairs, the letter of which a copy is inclosed. I hope to be able to communicate to you their determination in time for Congress to act during the ensuing session, if that course shall be deemed eligible.

The difficulty, in that case, will be to find an efficient remedy. I have already alluded to it in my despatch No. 88, in which I suggested the utility of obtaining an amendment to the constitution of the United States, which would authorize Congress to lay a duty on produce of the United States, when exported in foreign vessels. But that process is uncertain and dilatory. On reflecting on the subject, it has appeared to me, that another mode might be adopted, which I beg leave to submit to your consideration.

It consists in repealing our existing discriminating duty [of 10 per cent. on the ordinary duty] on merchandize imported in foreign vessels, and in substituting to it an additional duty on those vessels, equal, on an average, to the extra duty which foreign countries lay on our produce, when imported there in American vessels.

To apply this to France, and taking the French extra duty on cotton, which is our principal export there, as the criterion, the difference between the duty laid here on cotton, when imported in our vessels, and that laid on it when imported in French vessels, is about one cent and a quarter per pound. Supposing then, that a vessel carries at the rate of about 1,000 pounds of cotton to the ton, the difference amounts to about twelve dollars and a half per ton; and this is the additional tonnage, which, being laid, in our ports, on all French vessels, without regard to their inward or outward cargoes, would countervail, in a direct manner, the French extra duty. This statement shows the greatness of the evil to be corrected; since, even admitting some error in the estimated quantity of cotton which vessels carry, on an average, the difference against the vessels of the United States is more than the whole price of the freight. Calculated on tobacco, that difference is still greater, and amounts to nearly seventeen dollars per ton; for, although the duty, when imported in American vessels, is but two thirds per pound of that laid on cotton, a vessel will carry, at least, twice as much tobacco per ton as cotton. There can be no doubt that, taking into consideration the whole trade, the additional tonnage duty of twelve dollars and a half per ton on French vessels generally, substituted to our existing discriminating duties, will no more than countervail the extra duties laid by the French government on our vessels.

But, in order to render this plan altogether efficient, I think it would be necessary to authorize, also, the President, in case the government of France should attempt to defeat it, by laying additional duties on our vessels, to increase, in the same proportion, the proposed tonnage duty on French vessels. And a provision might be added, that all those extra duties should cease on our part, whenever France consented to repeal theirs.

I have alluded only to the general extra duties paid into the public treasury; but there are various other local charges laid on our vessels, such as pilotage, brokerage, &c. which are sometimes heavy, and always vexatious, but which it is more difficult to countervail, because they are not uniform. Their nature and amount are stated in the consular communications formerly transmitted; that which relates to the ship brokers of Havre, is fully explained in my despatch No. 103; and I must add, that, to the letters which I addressed to the minister of foreign affairs on that subject, I have received no further answer. The average amount of those various charges might be estimated and added to the suggested additional tonnage duty. But the most efficient mode to obtain redress in those cases, would be, to lay another specific duty on French vessels, equal to the charges, which, in the ports to which those vessels might respectively belong, are laid on American vessels. That specific duty would, of course, vary according to the French ports from which the vessels came; and, although there might be some difficulty in the execution, it seems to me that it may be surmounted, by making the certificate of our consuls legal evidence of the amount of the extra charges imposed in their respective consular districts, on American vessels.

The importance of this subject will be my apology for having offered these suggestions. Of the greatness of the injury sustained by our commerce, and of the necessity of applying, without delay, a remedy, there can be no doubt. I hope that I may be mistaken on one point; and no endeavors shall be omitted on my part to induce this government to alter their policy: but I firmly believe that nothing will produce that effect, but the adoption of countervailing measures, on the part of the United States."

Mr. Gallatin to the Marquis of Dessolle.

PARIS, 25th October, 1819.

MONSIEUR LE MARQUIS:

I had the honor, on my arrival here, to communicate, verbally, to his excellency the Duke de Richelieu, that I was authorized, by my government, to conclude, with that of France, commercial arrangements founded on a footing of perfect equality, and such as might

promote an intercourse equally advantageous to both countries. With that view, I had requested him to examine the convention concluded in July, 1815, between Great Britain and the United States, the bases of which they were ready to adopt in their commercial relations with France. The peculiar circumstances which prevented, at that time, the further prosecution of that subject, have fortunately ceased to exist; and I have now the honor to bring it again to the consideration of your excellency.

Both France and the United States have, in order to encourage their own navigation, passed laws, laying extra duties on foreign vessels, and on the merchandise imported in such vessels. But the inequality is at present so much greater in France than in the United States, and the mode heretofore adopted in America to counteract that inequality is so defective, that if this system was permitted to continue on both sides, the commercial intercourse between the two countries would, in a short time, be carried on almost exclusively in French vessels. In order to obtain their due share in the navigation between the two countries, and they claim nothing more than their share, the United States will be compelled to alter their laws, and to lay such additional extra duties on the tonnage of French vessels, or on merchandise imported therein, as will, in that respect, restore a perfect equality in the commercial intercourse of the two nations.

This plan, however, of each government laying extra duties, in order to countervail those laid by the other, is attended with serious inconveniences on both sides. The ship owners of each country are always apt to think that the extra duties, paid by them, are greater and more oppressive than those laid on the vessels of the other. They claim the protection of their government, and ask that these should be enhanced. A species of commercial hostility takes place, which may have an unfavorable effect on the friendly relations of the two countries. And the ultimate and unavoidable tendency of the system is to lessen their commerce, and to throw it in other channels.

Any attempt, on the part of either country, to engross for its vessels the carrying trade between the two, will certainly be defeated by the other; and if, as it is believed, they have no other aim than that of a fair reciprocal equality, this will be attained with much greater facility and certainty, by both mutually agreeing to abolish altogether all extra duties, than by each trying to countervail those of the other.

The bases of an arrangement, founded on that principle, would be, 1st. That, in the United States, no higher tonnage duties or other charges should be laid on French, than on American vessels; nor any higher duties on articles of the produce, or manufacture of France, when imported from France into the United States, in French vessels, than when imported in the same manner in American vessels.

And, reciprocally, that, in France, no higher tonnage duties or other charges should be laid on American than on French vessels; nor any higher duties on articles of the produce or manufacture of the United States, when imported from the said states into

France in American vessels, than when imported in the same manner in French vessels.

2d. That no higher duties should be laid in France, on articles of the produce or manufacture of the United States, than on similar articles of the same value of the produce or manufacture of any other foreign country.

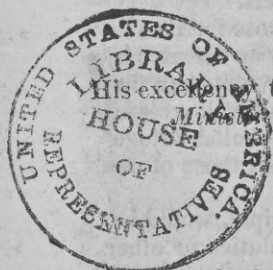
And, reciprocally, that no higher duties should be laid in the United States, on articles of the produce or manufacture of France, than on similar articles of the same value of the produce or manufacture of any other foreign country. These being, in substance, the same principles on which the commercial convention between the United States and Great Britain is founded, have the advantage of being recommended by the experience of two great maritime nations, equally jealous of their commercial prosperity. I may add that they have, either by positive treaties, or by mutual municipal laws, been adopted in the commercial intercourse between the United States and Sweden, the Netherlands, Germany and Prussia.

The great inequality, to the disadvantage of America, which now exists in her intercourse with France, renders it important that the determination of his majesty's government, on this subject, should be communicated as soon as possible. It would be with great reluctance that the United States would find themselves obliged, in self-defence, to lay additional extra duties on French vessels. And they have given satisfactory evidence of their earnest disposition to cultivate and promote their commercial relations with France, by the reduction of duties on French wines, which, without any previous stipulation in favor of the American commerce, was decreed during the last session of Congress.

I request your excellency to accept the assurances of the distinguished consideration with which I have the honor to be,

Your excellency's most obedient,
And humble servant,

ALBERT GALLATIN.



Extracts of a letter from Mr. Gallatin to the Secretary of State, dated

PARIS, 8th November, 1819.

"Marquis Dessolle invited me to a conference on the 6th instant, on the subject of the commercial arrangement proposed in my note to him of the 25th of October. He appeared to admit, generally, the correctness of the principles therein assumed, as the basis of a nego-

tiation; but he added, that other causes of inequality might exist, besides those arising from discriminating duties, and alluded to the frequent desertion of French seamen in America, to our refusal to deliver them, and to the great inconvenience to which this circumstance subjected French vessels. This subject is not immediately connected with that of the equalization of duties, and I believe that the evil complained of is not of great magnitude. If, in their tariff, they had only gone far enough to balance, in some degree, our natural superiority, there would not, perhaps, have been much reason to complain; but the existing system is intolerable. The minister has promised to write, and I hope to be able to communicate the final result before the end of the year."

"I have received the enclosed answer to my letter of the 14th of May last, on the subject of the fees of the ship-brokers of Havre. The new tariff is thereby confirmed, and the extortions of which they had been guilty, are made, on the plea of usage, a justification of Mr. Decaze's decision. That we had submitted, without remonstrance, to that imposition, and that the fees bear a just proportion to the services rendered, are assertions contrary to fact. It would, however, be an error to suppose, that either this measure, or the disinclination to enter into commercial arrangements, arise from a hostile spirit against the United States. The ministry's dispositions towards them, are, on the contrary, rather friendly than otherwise. In the case of the brokers, the decision is consistent with the general principles by which France is administered." "It is only an additional tonnage duty to be taken into consideration with other extra-charges, whenever they become the subject either of negotiation, or of legislative measures."

The Marquis Desolle to Mr. Gallatin.

[TRANSLATION.]

PARIS, 6th November, 1819.

Sir: In your note of the 14th of last May, you did me the honor to address to me some observations relating to the new tariff, given to the ship brokers, at Havre, on the 24th of February.

The advance of the dues, as exhibited by it in their favor, is not so real as may seem at first view. In fact, it has long since been generally admitted, that the rates of the old tariff were insufficient; and, in consequence, custom had sanctioned the demand of higher rates since the peace, as being more adequate to the pains and trouble of the brokers. To these new charges, adopted with the consent of the parties, and even of the American consuls at Havre, no objection whatever had been made since 1814, until the present. These

are the same rates which were, formerly, spontaneously agreed to by the parties concerned, and are now established by the new tariff; which only confirms and sanctions, by law, the practice hitherto observed in this particular.

If the rates fixed by it are higher for foreign than for French vessels, it is because the brokers require more time and trouble in managing the business of the former than of the latter. The difference then, in the charge in either case, is to be referred to an unquestionable principle of equity: this difference has always existed in France, and is founded in justice and proportioned to the trouble of the brokers; who, being subjected in the former case to double labor, are, therefore, entitled to a double compensation. With respect to the difference in the tonnage by measurement or by goods, it has been ascertained, that it was always intended that the brokerage should be uniform, both in the case of Frenchmen and foreigners, and paid, upon the tonnage, by measurement only. Orders have therefore been given, forthwith to rectify the error that has taken place on this point, so that the tonnage by measurement may serve as the only rule for the rate of brokerage to be charged on French and foreign ships, indiscriminately.

Be pleased, sir, to accept the assurances of the high consideration with which I have the honor to be, &c.

THE MARQUIS DESSOLLE.

Mr. Gallatin to Mr. Adams.

PARIS, 9th December, 1819.

SIR: The change of ministry has thrown new delays in the discussion of the commercial propositions which I had made to this government. Mr. Pasquier has promised to take them immediately into consideration, and seems to understand both the reasonableness of what we ask, and the difficulty of acceding to it without giving great displeasure to the shipping interest of France. The council of commerce, (consisting of eminent merchants,) to whom the proposals had, in the first instance, been referred, have reported, that a nominal equality would give a decided superiority to our navigation, that the French discriminating duties were however too high, and that they should be reduced to two thirds of their present amount. I have explicitly declared, that if, instead of abolishing all those duties on both sides, an equalization was attempted, the reduction proposed, by the council

of commerce, was altogether insufficient, and I could not accede to it.

I have the honor to be, with great respect, sir,

Your obedient servant,

ALBERT GALLATIN.

The Hon. JOHN QUINCY ADAMS,

Secretary of State, Washington.

Mr. Gallatin to the Secretary of State.

PARIS, January 15, 1820.

SIR: I have spoken several times to Mr. Pasquier since my letter of the 9th ultimo, on the subject of the discriminating duties. He always professed sentiments friendly to whatever might increase the commercial relations between the two countries, and appeared disposed to meet, in some manner, the overture made on our part. But he always added, that the French merchants were extremely averse to a total abolition. I addressed to him, on the 6th instant, the letter of which a copy is enclosed, and he had positively promised to send me yesterday an answer, which is not yet received. The departure of the *Stephania* compels me to write to you without waiting for it. I understood, that at all events that answer would not be decisive, and a project of a law, making sundry alterations in the custom-house duties, was yesterday presented to the Chamber of Deputies, which contains no alteration in the discriminating duties of which we complain. The effect of these becomes every day more manifest. At Nantes, where not a single American vessel has arrived within the last twelve months, eight French vessels have arrived with cargoes of American produce within the last six months of 1819. I am confident that this government will make no sufficient alteration until they are compelled to do it by our own acts. A clause in your act, leaving a contingent power to suspend its operation in case an arrangement should take place, is all that appears necessary to obviate every objection.

I have the honor to be,

With great respect, Sir,

Your most obedient servant,

ALBERT GALLATIN.

Mr. Gallatin to the Baron Pasquier, Minister of Foreign Affairs.

PARIS, January 6th, 1820.

SIR: I beg leave to recal to your Excellency's attention the letter respecting the commercial relations between France and the United States, which I had the honor to address to your predecessor on the 27th of October last.

Marquis Dessolle, in a conference on the subject, informed me, that it had been referred to the Council of Commerce, whose opinion has, for a considerable time, been transmitted to the Department of Foreign Affairs. Congress being now in session, it becomes urgent that I should, without delay, communicate to my government the decision of that of His Majesty on the overture I had the honor to make. It is the earnest desire of the United States that an arrangement, deemed equally beneficial to the commerce of both countries, may be concluded; but I have already stated, that, if their endeavors in that respect should fail, they will be under an indispensable necessity of restoring, by a new modification of their discriminating duties, the equality to which their navigation is entitled.

I request your excellency, &c.

ALBERT GALLATIN.

His Excellency BARON PASQUIER,
Minister of Foreign Affairs, &c.

Extract of a letter from Mr. Gallatin to the Secretary of State, dated

PARIS, January 20, 1820.

"I have now the honor to enclose the copy of Mr. Pasquier's long promised answer on the subject of our commercial relations, which was not received till after I had closed my last despatch to you. I am confirmed in the opinion, that nothing will be done here until we shall have done justice to ourselves by our own measures. The ministry is, I think, well disposed: but they will not act in opposition to the remonstrances of the shipping interest, and of the chambers of commerce, which have been consulted. That of Paris is averse to our proposals. Indeed, Mr. Pasquier informed me, that that of Bordeaux alone had given an opinion favorable to them."

The Baron Pasquier to Mr. Gallatin.

[TRANSLATION.]

PARIS, 14th January, 1820.

SIR: I have laid before his Majesty the proposal made by you in the name of your government, in the note which you addressed to my predecessor on the 25th October last; the object of which is, the conclusion of a commercial convention, founded on the principle of perfect equality, and calculated to establish relations as comprehensive as may be found practicable, mutually advantageous to both nations.

His majesty is disposed, sir, to adopt any arrangement which has for its basis a due reciprocity of advantages, and which, by reconciling the commercial interests of both people, may promote their mutual prosperity.

As soon, therefore, as the various points of information, indispensably necessary to guide the decision of his Majesty's government, as well in relation to the two stipulations proposed in your note, as to the other clauses which it may be found expedient to insert in the intended convention, shall have been collected, I will lose no time in entering, with you, into more particular discussions; and I have every reason to believe that I may be enabled to do so speedily.

I beg you, sir, to accept the assurances, &c.

PASQUIER.

